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† 233.  
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✓ 18 ACTS. A Collection of Acts Mainly  
Relating to Public Health, etc., bound  
4to. 10/6 1846-91





1846. Estab. Public Baths  
and washhouses. [9 & 10 Vict. Ch. 74]
1847. Amendment ditto.
1855. Nuisances Removal  
& Disease Prevention [18 & 19 Vict. Ch. 21]
1860. Amendment ditto.
1866. Public Health.
1866. Amend. Nuisances  
Removal & Disease  
Prevention act 1860. [29 & 30 Vict. Ch. 41]





1875-	Sale of Food & Drugs	[38 & 39. Vict. Ch. 63]	1
1878	Factory & Workshops Act	[41. Vict. Ch. 16]	
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1890.	Public Health (Rating of orchards.) Acts	[53 & 54 Vict. Ch. 17]	
1890.	Public Health Acts Amendment Act.	[53 & 54 Vict. Ch. 59]	
1890.	Infectious Disease (Prevention) Act	[53 & 54 Vict. Ch. 34]	
1890.	Housing of the Working Classes Act.	[53 & 54 Vict. Ch. 79]	
1890.	Working Classes Dwellings Act.	[53 & 54 Vict. Ch. 16]	
1891	Factory & Workshops	[54 & 55 Vict. Ch. 75]	





ANNO VICESIMO TERTIO & VICESIMO QUARTO]

# VICTORIÆ REGINÆ.

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C A P. LXXVII.

An Act to amend the Acts for the Removal of  
Nuisances and the Prevention of Diseases.

[6th August 1860.]

**W**HEREAS the Provisions of "The Nuisances Removal Act for *England*, 1855," and "The Diseases Prevention Act, 1855," concerning the Local Authority for the Execution of the said Acts, are defective, and it is expedient that the said Acts should be amended as herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

18 & 19 Vict.  
cc. 121. and  
116.

## *Nuisances Removal.*

I. Section Three, Section Six, Section Seven, and Section Nine of the said "Nuisances Removal Act for *England*, 1855," shall be repealed: Provided always, that such Repeal as aforesaid shall not extend to any Charges or Expenses already incurred, but the same may be defrayed and recovered, and all Proceedings commenced or taken under the said Act, and not yet completed, may be proceeded with, and all Contracts under the said Act shall continue and be as effectual as if this Act had not been passed.

Sections 3, 6,  
7, and 9 of  
18 & 19 Vict.  
c. 121. re-  
pealed.

*Nuisances Removal and Diseases Prevention.*

Local Authority to execute the Nuisances Removal Act.

II. The following Bodies shall respectively be the Local Authority to execute the said Nuisances Removal Act in the Districts hereunder stated in *England* :

In any Place within which the Public Health Act is or shall be in force, the Local Board of Health :

In any other Place wherein a Council exists or shall exist, the Mayor, Aldermen, and Burgesses by the Council, except in the City of *London* and the Liberties thereof, where the Local Authority shall be the Commissioners of Sewers for the Time being, and except in the City of *Oxford* and Borough of *Cambridge*, where the Local Authority shall be the Commissioners acting in execution of the Local Improvement Acts in force respectively in the said City and Borough :

In any Place in which there is no Local Board of Health or Council, and where there are or shall be Trustees or Commissioners under an Improvement Act, such Trustees or Commissioners :

In any Place within which there is no such Local Board of Health, Council, Body of Trustees, or Commissioners, if there be a Board of Guardians of the Poor for such Place, or for any Parish or Union within which such Place is situate, such Board of Guardians, and, if there be no such Board of Guardians, the Overseers of the Poor for such Place, or for the Parish of which such Place forms Part.

Highway Board or Nuisances Removal Committees now subsisting may be continued so long as they employ Sanitary Inspectors.

III. Provided, That in any Place where a Highway Board or " The Nuisances Removal Committee " chosen by the Vestry in pursuance of the said Act is subsisting, and at the Time of the passing of this Act employs or joins with other Local Authorities in employing a Sanitary Inspector or Inspectors, such Highway Board or Nuisances Removal Committee may continue to act, and a like Committee may be annually chosen by the Vestry for such Place in the same Manner as if this Act had not been passed ; but in case in any Year the Nuisances Removal Committee be not chosen for such Place in Manner provided by the said Act, or if the Highway Board or Committee now subsisting or hereafter chosen fail for Two Months in any Year to appoint or employ a Sanitary Inspector or Inspectors, the Authority of such Highway Board or Committee shall cease, and no like Committee shall be chosen for such Place, and the same Body or Persons shall thenceforth be the Local Authority for the Place as if no such Highway Board or Committee had been appointed therein.

How Expenses of Local Authority to be defrayed.

IV. All Charges and Expenses incurred by the Local Authority in executing the said Nuisances Removal Act, and not recovered as therein provided, shall be defrayed as follows ; to wit,

Out

*Nuisances Removal and Diseases Prevention.*

Out of General District Rates where the Local Authority is a Local Board of Health :

Out of the Borough Fund or Borough Rate where the Local Authority is the Mayor, Aldermen, and Burgesses by the Council :

Provided always, that in the City of *Oxford* and Borough of *Cambridge* such Expenses shall be deemed annual Charges and Expenses of cleansing the Streets of the said City and Borough respectively, and shall be so payable :

Out of the Rates levied for Purposes of Improvement under any Improvement Act, where the Local Authority is a Body of Trustees or Commissioners acting in execution of the Powers of such an Act :

Where a Board of Guardians for a Union is such Local Authority for the whole of such Union, such Charges and Expenses shall be defrayed by means of an Addition to be made to the Rate for the Relief of the Poor of the Parish or Parishes for which the Expense has been incurred, and be raised and paid in like Manner as Money expended for the Relief of the Poor :

Where the Board of Guardians for a Union is such Local Authority for Two or more Places maintaining their own Poor, but not for all such Places in such Union, such Charges and Expenses shall be paid out of the Poor Rates of the Places aforesaid for which the Board is the Local Authority :

Where the Board of Guardians for a Union is under this Act the Local Authority for a single Place maintaining its own Poor, and where the Board of Guardians for any such single Place, or the Overseers of any such Place, or "The Nuisances Removal Committee," continued or chosen as herein-before provided in any such Place, are under this Act the Local Authority for such Place, such Charges and Expenses shall be defrayed out of the Rates for the Relief of the Poor thereof :

Where the Board of Guardians for a Union is under this Act the Local Authority for part only of any Place maintaining its own Poor, together with the whole of any other such Place or Part of any other such Place, such Board shall apportion such Charges and Expenses between or among any or every such Part and any or every such Place ; and so much of such Charges and Expenses as may be apportioned to any or every such Place for the whole of which such Board is the Local Authority shall be defrayed out of the Rates or Funds applicable to the Relief of the Poor thereof :

So much of any such Charges and Expenses as may be apportioned to Part of a Place maintaining its own Poor, and any such Charges and

*Nuisances Removal and Diseases Prevention.*

and Expenses incurred by any Board of Guardians or Overseers. where such Board or Overseers are the Local Authority for Part of any such Place only, shall be defrayed by means of an Addition to be made to the Rate for the Relief of the Poor thereof, and be raised and paid in like Manner as Money expended for the Relief of the Poor.

Board of  
Guardians  
may appoint  
Committees  
for particu-  
lar Parishes.

V. Provided. That the Board of Guardians for a Union may appoint a Committee or Committees of their own Body, under Section Five of the said Nuisances Removal Act, to act in and for One or more of the Parishes or Places for which the Board is the Local Authority; and every Committee so appointed shall have the full Power of executing the said Act in all respects, within the specified Place or Places for which it is appointed, unless its Power be expressly limited by the Terms of its Appointment; and the Board of Guardians shall cause the Charges and Expenses of every such Committee to be paid out of the Poor Rates of the Place or Places for which such Committee is appointed; and where a Committee is so appointed for any such Place or Places the Charges and Expenses of the Board as Local Authority for or in respect of the Place or Places for which a Committee is not appointed shall be paid or contributed by such last-mentioned Place or Places in like Manner as the Expenses of a Committee: Provided that where any One such Committee is appointed for all the Places for which the Board is the Local Authority its Charges and Expenses shall be contributed and paid in like Manner as the Charges and Expenses of the Board would have been contributed and paid if such Committee had not been appointed.

Saving for  
the Vestries  
and District  
Boards of  
the Metro-  
polis.

VI. Provided also. That as regards the Metropolis, the Vestries and District Boards under the Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and twenty, within their respective Parishes and Districts, shall continue and be the Local Authorities for the Execution of the said Nuisances Removal Act, and their Charges and Expenses shall be defrayed as if this Act had not been passed.

Wells, &c.  
belonging to  
any Place  
vested in  
Local Au-  
thority, &c.

VII. All Wells, Fountains, and Pumps provided under Section Fifty of "The Public Health Act, 1848," or otherwise, for the Use of the Inhabitants of any Place, and not being the Property of or vested in any Person or Corporation other than Officers of such Place, shall be vested in the Local Authority under this Act for such Place, who shall from Time to Time cause to be kept in good Repair and Condition and free from Pollution all Wells, Fountains, and Pumps vested in them under this Act, and may also keep



*Nuisances Removal and Diseases Prevention.*

keep in good Repair and Condition and free from Pollution other Wells, Fountains, and Pumps dedicated to or open to the Use of the Inhabitants of such Place.

VIII. If any Person do any Act whatsoever whereby any Fountain or Pump is wilfully or maliciously damaged, or the Water of any Well, Fountain, or Pump is polluted or fouled, he shall, upon summary Conviction of such Offence before Two Justices, forfeit a Sum not exceeding Five Pounds for such Offence, and a further Sum not exceeding Twenty Shillings for every Day during which such Offence is continued after written Notice from the Local Authority in relation thereto; but nothing herein contained shall extend to any Offence provided against by Section Twenty-Three of the said "Nuisances Removal Act."

Penalty for fouling Water.

IX. Local Authorities under this Act may, for the Purposes of the Act, severally appoint or employ Inspectors of Nuisances, and make such Payments as they see fit for the Remuneration and Expenses of such Inspectors.

Appointment of Inspectors of Nuisances.

*Diseases Prevention.*

X. Sections Two and Three of "The Diseases Prevention Act, 1855," and every other Enactment constituting a Local Authority for the Execution of the same Act, or providing for the Expenses of the Execution thereof, except those contained in the Eighteenth and Nineteenth of *Victoria*, Chapter One hundred and twenty, the Metropolis Local Management Act, shall be repealed.

Sections 2 and 3 of 18 & 19 Vict. c. 116. repealed.

XI. The Board of Guardians for every Union, or Parish not within an Union, in *England* shall be the Local Authority for executing the said Diseases Prevention Act in every Place within their respective Unions and Parishes, and in every Parish and Place in *England* not within a Union, and for which there is no Board of Guardians, the Overseers of the Poor shall be the Local Authority to execute the same Act; and the Expenses incurred in the Execution of such Act by the Board of Guardians for a Union shall be defrayed out of the Common Fund thereof; and the Expenses of the Board of Guardians or Overseers of the Poor of any single Parish or Place shall be defrayed out of the Rates for the Relief of the Poor of such Parish or Place; provided that every such Board of Guardians shall, for the Execution of the said Act for the Prevention of Diseases, have the like Powers of appointing Committees, with the like Authority, and where any such Committee is appointed the Expenses thereof and of the Board shall be paid in the same Manner, as herein-before provided where such a Board is the Local Authority for the Execu-

Guardians and Overseers of the Poor to be the Local Authorities for executing Diseases Prevention Act.

*Nuisances Removal and Diseases Prevention.*

tion of the said Nuisances Removal Act; provided also, that any Expenses already incurred by any Local Authority in the Execution of the said Act shall be defrayed as if this Act had not been passed; provided, moreover, that in respect of any Place where, under this Act, the Local Authority for executing the Nuisances Removal Act is any other Body than the Board of Guardians or the Overseers of the Poor, the Privy Council, if it see fit, may, in the Manner provided for the Exercise of its Powers under the Public Health Act, 1858, authorize such other Body to be, instead of the Board of Guardians or the Overseers of the Poor, the Local Authority for executing the Diseases Prevention Act; provided also, that as regards the Metropolis the Vestries and District Boards under the Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and twenty, within their respective Parishes and Districts, shall continue to be the Local Authorities for the Execution of the said "Diseases Prevention Act, 1855," and their Charges and Expenses shall be defrayed as if this Act had not been passed.

Local Authorities may provide Carriages for Conveyance of infected Persons.

XII. It shall be lawful for the Local Authority for executing the said "Diseases Prevention Act" to provide and maintain a Carriage or Carriages suitable for the Conveyance of Persons suffering under any contagious or infectious Disease, and to convey such sick and diseased Persons as may be residing within such Locality to any Hospital or other Place of Destination, and the Expense thereof shall be deemed to be an Expense incurred in executing the said Act.

Justices, on the Application of Household-ers, may order the Removal of Nuisances.

XIII. Upon Complaint before a Justice of the Peace by any Inhabitant of any Parish or Place of the Existence of any Nuisance on any private Premises in the same Parish or Place, such Justice shall issue a Summons requiring the Person by whose Act, Default, Permission, or Sufferance the Nuisance arises, or if such Person cannot be found or ascertained, the Owner or Occupier of the Premises on which the Nuisance arises, to appear before Two Justices in Petty Sessions assembled at their usual Place of Meeting, who shall proceed to inquire into the said Complaint, and act in relation thereto as in Cases where Complaint is made by a Local Authority under Section Twelve of the said Nuisances Removal Act, and as if the Person making the Complaint were such Local Authority: Provided always, that it shall be lawful for the said Justices, if they see fit, to adjourn the Hearing or further Hearing of such Summons for an Examination of the Premises where the Nuisance is alleged to exist, and to require the Admission or authorize the Entry into such Premises of any Constable or other Person or Persons, and thereupon the Person or Persons authorized by the Order of the

Justices



*Nuisances Removal and Diseases Prevention.*

Justices may enter and act as the Local Authority might under a like Order made by any Justice under Section Eleven of the said Act: Provided also, that the Costs in the Case of every such Application shall be in the Discretion of the Justices, and Payment thereof may be ordered and enforced as in other Cases of summary Adjudication by Justices: Any Order made by Justices under this Enactment shall be attended with the like Penalties and Consequences for Disobedience thereof and subject to the like Appeal as any Order made under Section Twelve of the said Nuisances Removal Act, and the Justices making such Order may thereby authorize any Constable or other Person or Persons to do all Acts for removing or abating the Nuisance condemned or prohibited, and for executing such Order, in like Manner as a Local Authority obtaining the like Order might do under the said Act, and to charge the Costs to the Person on whom the Order is made, as is provided in the Case where a like Order is obtained and executed by such Local Authority.

XIV. The Guardians of any Union, or Parish not within an Union, may at any Time employ One of their Medical Officers to make Inquiry and report upon the sanitary State of their Union or Parish, or any Part thereof, and pay a reasonable Compensation for the same out of their Common Fund.

Guardians may procure sanitary Reports and pay for the same.

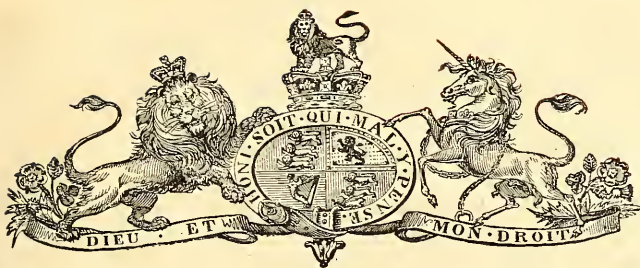
XV. The several Words used in this Act shall be construed in the same Manner as is declared with reference to the same Words in the above-cited Act termed "The Nuisances Removal Act for *England*, 1855," and all the Provisions therein, and in "The Diseases Prevention Act, 1855," contained, shall respectively be applicable to this Act, except so far as they shall be hereby repealed, or be inconsistent with anything herein provided.

Interpretation of Terms.

XVI. No Justice of the Peace shall, unless objected to at the Hearing of any Complaint or Charge, be deemed incapable of acting in Cases other than Appeals arising under the said Nuisances Removal Act by reason of his being a Member of any Body hereby declared to be the Local Authority to execute the said Act, or by reason of his being a Contributor, or liable to contribute, to any Rate or Fund out of which it is hereby provided that all Charges and Expenses incurred in executing the said Act, and not recovered as therein provided, shall be defrayed.

Justices not incapable of acting by being Members of Bodies to execute Nuisances Removal Act.





ANNO VICESIMO NONO & TRICESIMO

# VICTORIÆ REGINÆ.

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C A P. XC.

An Act to amend the Law relating to the Public  
Health. [7th August 1866.]

**W**HEREAS it is expedient to amend the Law relating to Public Health: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

*Preliminary.*

1. This Act may be cited for all Purposes as The Sanitary Act, Short Title  
1866. of Act.

PART I.

*Amendment of the Sewage Utilization Act, 1865.*

2. "Sewer Authority" in this Act shall have the same Meaning as it has in The Sewage Utilization Act, 1865.

Definition of  
"Sewer  
Authority."

The Words "Lord Lieutenant in Council" shall mean in this Act the Lord Lieutenant or any Chief Governor or Chief Governors in *Ireland* acting by and with the Consent of Her Majesty's Privy Council in *Ireland*.

"Lord Lieu-  
tenant in  
Council."

*Public Health.*

This Part  
to be con-  
strued with  
28 & 29 Vict.  
c. 75,

3. This Part of this Act shall be construed as One with The Sewage Utilization Act, 1865, and the Expression "The Sewage Utilization Act, 1865," as used in this or any other Act of Parliament or other Document, shall mean the said Sewage Utilization Act, 1865, as amended by this Act.

Power to  
Sewer Au-  
thority to  
form Com-  
mittee of its  
own Mem-  
bers and  
others.

4. Any Sewer Authority may from Time to Time, at any Meeting specially convened for the Purpose, form One or more Committees consisting wholly of its own Members, or partly of its own Members and partly of such other Persons contributing to the Rate or Fund out of which the Expenses incurred by such Authority are paid, and qualified in such other Manner as the Sewer Authority may determine, and may delegate, with or without Conditions or Restrictions, to any Committee so formed, all or any Powers of such Sewer Authority, and may from Time to Time revoke, add to, or alter any Powers so given to a Committee.

A Committee may elect a Chairman of its Meetings. If no Chairman is elected, or if the Chairman elected is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting. A Committee may meet and adjourn as it thinks proper. The Quorum of a Committee shall consist of such Number of Members as may be prescribed by the Sewer Authority that appointed it, or, if no Number be prescribed, of Three Members. Every Question at a Meeting shall be determined by a Majority of Votes of the Members present, and voting on that Question; and in case of an equal Division of Votes the Chairman shall have a Second or Casting Vote:

The Proceedings of a Committee shall not be invalidated by any Vacancy or Vacancies amongst its Members.

A Sewer Authority may from Time to Time add to or diminish the Number of the Members or otherwise alter the Constitution of any Committee formed by it, or dissolve any Committee.

A Committee of the Sewer Authority shall be deemed to be the Agents of that Authority, and the Appointment of such Committee shall not relieve the Sewer Authority from any Obligation imposed on it by Act of Parliament or otherwise.

Formation  
of Special  
Drainage  
District.

5. Where the Sewer Authority of a District is a Vestry, Select Vestry, or other Body of Persons acting by virtue of any Act of Parliament, Prescription, Custom, or otherwise as or instead of a Vestry or Select Vestry, it may, by Resolution at any Meeting convened for the Purpose after Twenty-one clear Days Notice affixed to the Places where Parochial Notices are usually affixed in its District, form any Part of such District into a Special Drainage

*Public Health.*

Drainage District for the Purposes of the Sewage Utilization Act, and thereupon such Special Drainage District shall, for the Purposes of The Sewage Utilization Act, 1865, and the Powers therein conferred, be deemed to be a Parish in which a Rate is levied for the Maintenance of the Poor, and of which a Vestry is the Sewer Authority, subject, as respects any Meeting of the Inhabitants thereof in Vestry, to the Act of the Fifty-eighth Year of the Reign of King *George* the Third, Chapter Sixty-nine, and the Acts amending the same; and any Officer or Officers who may from Time to Time be appointed by the Sewer Authority of such Special Drainage District for the Purpose shall have within that District all the Powers of levying a Rate for the Purpose of defraying the Expense of carrying the said Sewage Utilization Act into effect that they would have if such District were such Parish as aforesaid, and such Rate were a Rate for the Relief of the Poor, and they were duly appointed Overseers of such Parish.

6. Where the Sewer Authority of any Place has formed a Special Drainage District in pursuance of this Act, if any Number of the Inhabitants of such Place, not being less than Twenty, feel aggrieved by the Formation of such District, or desire any Modification in its Boundaries, they may, by Petition in Writing under their Hands, bring their Case under the Consideration of One of Her Majesty's Principal Secretaries of State, and the said Secretary of State may after due Investigation annul the Formation of the Special Drainage District or modify its Boundaries as he thinks just.

Appeal  
against Con-  
stitution of  
Special  
Drainage  
District.

7. A Copy of the Resolution of a Sewer Authority forming a Special Drainage District shall be published by affixing a Notice thereof to the Church Door of the Parish in which the District is situate, or of the adjoining Parish if there be no Church in the said Parish, and by advertising Notice thereof in some Newspaper published or circulating in the County in which such District is situate; and the Production of a Newspaper containing such Advertisement, or a Certificate under the Hand of the Clerk or other Officer performing the Duties of Clerk for the Time being of the Sewer Authority which passed the Resolution forming the District, shall be Evidence of the Formation of such District, and after the Expiration of Three Months from the Date of the Resolution forming the District such District shall be presumed to have been duly formed, and no Objection to the Formation thereof shall be entertained in any legal Proceedings whatever.

Evidence of  
Formation  
of Special  
Drainage  
District.

8. Any Owner or Occupier of Premises within the District of a Sewer Authority shall be entitled to cause his Drains to empty into the

Power to  
drain into  
Sewers of  
Sewer Au-  
thority.



*Public Health.*

the Sewers of that Authority on condition of his giving such Notice as may be required by that Authority of his Intention so to do, and of complying with the Regulations of that Authority in respect of the Mode in which the Communications between such Drains and Sewers are to be made, and subject to the Control of any Person who may be appointed by the Sewer Authority to superintend the making of such Communications; but any Person causing any Drain to empty into any Sewer of a Sewer Authority without complying with the Provisions of this Section shall incur a Penalty not exceeding Twenty Pounds, and it shall be lawful for the Sewer Authority to close any Communication between a Drain and Sewer made in contravention of this Section, and to recover in a summary Manner from the Person so offending any Expenses incurred by them under this Section.

Use of  
Sewers by  
Persons  
beyond Dis-  
trict.

9. Any Owner or Occupier of Premises beyond the Limits of the District of a Sewer Authority may cause any Sewer or Drain from such Premises to communicate with any Sewer of the Sewer Authority upon such Terms and Conditions as may be agreed upon between such Owner or Occupier and such Sewer Authority, or in case of Dispute may, at the Option of the Owner or Occupier, be settled by Two Justices or by Arbitration in manner provided by The Public Health Act, 1848, in respect of Matters by that Act authorized or directed to be settled by Arbitration.

As to the  
Drainage of  
Houses.

10. If a Dwelling House within the District of a Sewer Authority is without a Drain or without such Drain as is sufficient for effectual Drainage, the Sewer Authority may by Notice require the Owner of such House within a reasonable Time therein specified to make a sufficient Drain emptying into any Sewer which the Sewer Authority is entitled to use, and with which the Owner is entitled to make a Communication, so that such Sewer be not more than One hundred Feet from the Site of the House of such Owner, but if no such Means of Drainage are within that Distance, then emptying into such covered Cesspool or other Place not being under any House, as the Sewer Authority directs; and if the Person on whom such Notice is served fails to comply with the same, the Sewer Authority may itself, at the Expiration of the Time specified in the Notice, do the Work required, and the Expenses incurred by it in so doing may be recovered from such Owner in a summary Manner.

Supply of  
Water to  
District of  
Sewer Au-  
thority.

11. A Sewer Authority within its District shall have the same Powers in relation to the Supply of Water that a Local Board has within its District, and the Provisions of the Sections herein-after mentioned shall apply accordingly in the same Manner as if in  
such

*Public Health.*

such Provisions "Sewer Authority" were substituted for "Local Board of Health" or "Local Board," and the District in such Provisions mentioned were the District of the Sewer Authority and not the District of the Local Board; that is to say, the Sections numbered from Seventy-five to Eighty, both inclusive, of The Public Health Act, 1848, Sections Fifty-one, Fifty-two, and Fifty-three of The Local Government Act, 1858, and Section Twenty of The Local Government Act, 1858, Amendment Act, 1861.

The Sewer Authority may, if it think it expedient so to do, provide a Supply of Water for the Use of the Inhabitants of the District by

- (1.) Digging Wells;
- (2.) Making and maintaining Reservoirs;
- (3.) Doing any other necessary Acts;

and they may themselves furnish the same, or contract with any other Persons or Companies to furnish the same: Provided always, that no Land be purchased or taken under this Clause except by Agreement or in manner provided by the Local Government Act, 1858.

12. Any Expenses incurred by a Sewer Authority in or about the Supply of Water to its District, and in carrying into effect the Provisions herein-before in that Behalf mentioned, shall be deemed to be Expenses incurred by that Authority in carrying into effect The Sewage Utilization Act, 1865, and be payable accordingly.

Expenses of  
Sewer Au-  
thority in  
supplying  
Water.

13. All Property in Wells, Fountains, and Pumps, and Powers in relation thereto, vested in the Nuisance Authority by the Seventh Section of the Act passed in the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter Seventy-seven, shall vest in the Sewer Authority, where the Sewer Authority supplies Water to its District.

Wells, &c.  
belonging to  
any Place  
vested in  
Sewer  
Authority,  
&c.  
23 & 24 Vict.  
c. 77. s. 7.

## PART II.

*Amendment of the Nuisances Removal Acts.*

14. The Expression "Nuisances Removal Acts" shall mean the Acts passed in the Years following of the Reign of Her present Majesty, that is to say, the one in the Session of the Eighteenth and Nineteenth Years, Chapter One hundred and twenty-one, and the other in the Session of the Twenty-third and Twenty-fourth Years, Chapter Seventy-seven, as amended by this Part of this Act; and this Part of this Act shall be construed as One with the said Acts,

Definition of  
"Nuisances  
Removal  
Acts."

*Public Health.*

and all Expenses incurred by a Nuisance Authority in carrying into effect any of the Provisions of this Part of this Act shall be deemed to be Expenses incurred by it in carrying into effect the Nuisances Removal Acts.

Definition of  
"Nuisance  
Authority."

**15.** "Nuisance Authority" shall mean any Authority empowered to execute the Nuisances Removal Acts.

Power of  
Police with  
respect to  
Nuisances.

**16.** In any Place within the Jurisdiction of a Nuisance Authority the Chief Officer of Police within that Place, by and under the Directions of One of Her Majesty's Principal Secretaries of State, on its being proved to his Satisfaction that the Nuisance Authority has made default in doing its Duty, may institute any Proceeding which the Nuisance Authority of such Place might institute with respect to the Removal of Nuisances: Provided always, that no Officer of Police shall be at liberty to enter any House or Part of a House used as the Dwelling of any Person without such Person's Consent, or without the Warrant of a Justice of the Peace, for the Purpose of carrying into effect this Act.

Sect. 3. of  
23 & 24 Vict.  
c. 77, re-  
pealed.

**17.** The Third Section of the said Act of the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter Seventy-seven, shall be repealed, and all Powers vested in any Highway Board or "Nuisance Removal Committee" under the Nuisances Removal Acts shall determine, and all Property belonging to them for the Purposes of the said Nuisances Removal Acts shall, subject to any Debts or Liabilities affecting the same, be transferred to or vested in the Nuisance Authority under the said Acts: Provided always, that this Section shall not extend to any Vestry or District Board, under the Act of the Session of Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter One hundred and twenty, intituled *An Act for the better Local Management of the Metropolis*, or to any Committee appointed by such Vestry or District Board for the Purpose of carrying into effect the Nuisances Removal Acts or any of them.

18 & 19 Vict.  
c. 120.

Requisition  
of Ten  
Inhabitants  
equivalent  
to Certificate  
of Medical  
Officer.

**18.** A Requisition in Writing under the Hands of any Ten Inhabitants of a Place shall for the Purposes of the Twenty-seventh Section of "The Nuisances Removal Act for *England*, 1855," be deemed to be equivalent to the Certificate of the Medical Officer or Medical Practitioners therein mentioned, and the said Section shall be enforced accordingly.

**19.** The



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19. The Word "Nuisances" under the Nuisance Removal Acts shall include,

Addition to  
Definition of  
Nuisance.

1. Any House or Part of a House so overcrowded as to be dangerous or prejudicial to the Health of the Inmates :

2. Any Factory, Workshop, or Workplace not already under the Operation of any General Act for the Regulation of Factories or Bakehouses, not kept in a cleanly State, or not ventilated in such a Manner as to render harmless as far as practicable any Gases, Vapours, Dust, or other Impurities generated in the course of the Work carried on therein that are a Nuisance or injurious or dangerous to Health, or so overcrowded while Work is carried on as to be dangerous or prejudicial to the Health of those employed therein :

3. Any Fireplace or Furnace which does not as far as practicable consume the Smoke arising from the Combustible used in such Fireplace or Furnace, and is used within the District of a Nuisance Authority for working Engines by Steam, or in any Mill, Factory, Dyehouse, Brewery, Bakehouse, or Gaswork, or in any Manufactory or Trade Process whatsoever :

Any Chimney (not being the Chimney of a private Dwelling House) sending forth Black Smoke in such Quantity as to be a Nuisance :

Provided, first, that in Places where at the Time of the passing of this Act no Enactment is in force compelling Fireplaces or Furnaces to consume their own Smoke, the foregoing Enactment as to Fireplaces and Furnaces consuming their own Smoke shall not come into operation until the Expiration of One Year from the Date of the passing of this Act :

Secondly, that where a Person is summoned before the Justices in respect of a Nuisance arising from a Fireplace or Furnace which does not consume the Smoke arising from the Combustible used in such Fireplace or Furnace, the Justices may hold that no Nuisance is created within the Meaning of this Act, and dismiss the Complaint, if they are satisfied that such Fireplace or Furnace is constructed in such Manner as to consume as far as practicable, having regard to the Nature of the Manufacture or Trade, all Smoke arising therefrom, and that such Fireplace or Furnace has been carefully attended to by the Person having the Charge thereof.

20. It shall be the Duty of the Nuisance Authority to make from Time to Time, either by itself or its Officers, Inspection of the District, with a view to ascertain what Nuisances exist calling for Abatement under the Powers of the Nuisance Removal Acts, and to enforce

Duties of  
Nuisance  
Authorities  
as to In-  
spection of  
Nuisance,  
&c.

enforce the Provisions of the said Acts in order to cause the Abatement thereof, also to enforce the Provisions of any Act that may be in force within its District requiring Fireplaces and Furnaces to consume their own Smoke; and any Justice upon Complaint upon Oath may make an Order to admit the Nuisance Authority or their Officers for these Purposes, as well as to ground Proceedings under the Eleventh Section of The Nuisances Removal Act, 1855.

As to Proceedings of Nuisance Authority under Sect. 12. of 18 & 19 Vict. c. 121.

21. The Nuisance Authority or Chief Officer of Police shall, previous to taking Proceedings before a Justice under the Twelfth Section of The Nuisances Removal Act, 1855, serve a Notice on the Person by whose Act, Default, or Sufferance the Nuisance arises or continues, or, if such Person cannot be found or ascertained, on the Owner or Occupier of the Premises on which the Nuisance arises, to abate the same, and for that Purpose to execute such Works and to do all such Things as may be necessary within a Time to be specified in the Notice: Provided,

First, that where the Nuisance arises from the Want or defective Construction of any structural Convenience, or where there is no Occupier of the Premises, Notice under this Section shall be served on the Owner:

Secondly, that where the Person causing the Nuisance cannot be found, and it is clear that the Nuisance does not arise or continue by the Act, Default, or Sufferance of the Owner or Occupier of the Premises, then the Nuisance Authority may itself abate the same without further Order, and the Cost of so doing shall be Part of the Costs of executing the Nuisances Removal Acts, and borne accordingly.

Power to cause Premises to be cleansed or otherwise disinfected.

22. If the Nuisance Authority shall be of opinion, upon the Certificate of any legally qualified Medical Practitioner, that the cleansing and disinfecting of any House or Part thereof, and of any Articles therein likely to retain Infection, would tend to prevent or check infectious or contagious Disease, it shall be the Duty of the Nuisance Authority to give Notice in Writing requiring the Owner or Occupier of such House or Part thereof to cleanse and disinfect the same as the Case may require; and if the Person to whom Notice is so given fail to comply therewith within the Time specified in the Notice, he shall be liable to a Penalty of not less than One Shilling and not exceeding Ten Shillings for every Day during which he continues to make default; and the Nuisance Authority shall cause such House or Part thereof to be cleansed and disinfected, and may recover the Expenses incurred from the Owner

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Owner or Occupier in default in a summary Manner; when the Owner or Occupier of any such House or Part thereof as is referred to in this Section is from Poverty or otherwise unable, in the Opinion of the Nuisance Authority, effectually to carry out the Requirements of this Section, such Authority may, without enforcing such Requirements on such Owner or Occupier, with his Consent, at its own Expense, cleanse and disinfect such House or Part thereof, and any Articles therein likely to retain Infection.

23. The Nuisance Authority in each District may provide a proper Place, with all necessary Apparatus and Attendance, for the Disinfection of Woollen Articles, Clothing, or Bedding which have become infected, and they may cause any Articles brought for Disinfection to be disinfected free of Charge.

Power to provide Means of Disinfection.

24. It shall be lawful at all Times for the Nuisance Authority to provide and maintain a Carriage or Carriages suitable for the Conveyance of Persons suffering under any contagious or infectious Disease, and to pay the Expense of conveying any Person therein to a Hospital or Place for the Reception of the Sick or to his own Home.

Nuisance Authorities may provide Carriages for Conveyance of infected Persons.

25. If any Person suffering from any dangerous infectious Disorder shall enter any public Conveyance without previously notifying to the Owner or Driver thereof that he is so suffering, he shall on Conviction thereof before any Justice be liable to a Penalty not exceeding Five Pounds, and shall also be ordered by such Justice to pay to such Owner and Driver all the Losses and Expenses they may suffer in carrying into effect the Provisions of this Act; and no Owner or Driver of any public Conveyance shall be required to convey any Person so suffering until they shall have been first paid a Sum sufficient to cover all such Losses and Expenses.

Penalty on Person suffering from infectious Disorder entering public Conveyance without notifying to Driver that he is so suffering.

26. Where a Hospital or Place for the Reception of the Sick is provided within the District of a Nuisance Authority, any Justice may, with the Consent of the Superintending Body of such Hospital or Place, by Order on a Certificate signed by a legally qualified Medical Practitioner, direct the Removal to such Hospital or Place for the Reception of the Sick, at the Cost of the Nuisance Authority, of any Person suffering from any dangerous contagious or infectious Disorder, being without proper Lodging or Accommodation, or lodged in a Room occupied by more than One Family, or being on board any Ship or Vessel.

Removal of Persons sick of infectious Disorders, and without proper Lodging, in any District.

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Places for the Reception of dead Bodies may be provided at the Public Expense.

27. Any Nuisance Authority may provide a proper Place for the Reception of dead Bodies, and where any such Place has been provided, and any dead Body of one who has died of any infectious Disease is retained in a Room in which Persons live or sleep, or any dead Body which is in such a State as to endanger the Health of the Inmates of the same House or Room is retained in such House or Room, any Justice may, on a Certificate signed by a legally qualified Medical Practitioner, order the Body to be removed to such proper Place of Reception at the Cost of the Nuisance Authority, and direct the same to be buried within a Time to be limited in such Order; and unless the Friends or Relations of the Deceased undertake to bury the Body within the Time so limited, and do bury the same, it shall be the duty of the Relieving Officer to bury such Body at the Expense of the Poor Rate, but any Expense so incurred may be recovered by the Relieving Officer in a summary Manner from any Person legally liable to pay the Expense of such Burial.

Places for Reception of dead Bodies during Time required for post-mortem Examination may be provided.

28. Any Nuisance Authority may provide a proper Place (otherwise than at a Workhouse or at a Mortuary House as lastly hereinbefore provided for) for the Reception of dead Bodies for and during the Time required to conduct any *Post-mortem* Examination ordered by the Coroner of the District or other constituted Authority, and may make such Regulations as they may deem fit for the Maintenance, Support, and Management of such Place: and where any such Place has been provided, any Coroner or other constituted Authority may order the Removal of the Body for carrying out such *Post-mortem* Examination and the Re-removal of such Body, such Costs of Removal and Re-removal to be paid in the same Manner and out of the same Fund as the Cost and Fees for *Post-mortem* Examinations when ordered by the Coroner.

Power to remove to Hospital sick Persons brought by Ships.

29. Any Nuisance Authority may, with the Sanction of the Privy Council, signified in manner provided by "The Public Health Act, 1858," lay down Rules for the Removal to any Hospital to which such Authority is entitled to remove Patients, and for keeping in such Hospital so long as may be necessary any Persons brought within their District by any Ship or Boat who are infected with a dangerous and infectious Disorder, and they may by such Rules impose any Penalty not exceeding Five Pounds on any Person committing any Offence against the same.

Provision as to District of Nuisance Authority extending to Places.

30. For the Purposes of this Act, any Ship, Vessel, or Boat that is in a Place not within the District of a Nuisance Authority shall be deemed to be within the District of such Nuisance Authority as may be prescribed by the Privy Council, and until a Nuisance Authority



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Authority has been prescribed then of the Nuisance Authority whose District nearest adjoins the Place where such Ship, Vessel, or Boat is lying, the Distance being measured in a straight Line, but nothing in this Act contained shall enable any Nuisance Authority to interfere with any Ship, Vessel, or Boat that is not in *British Waters*.

**31.** The Power of Entry given to the Authorities by the Eleventh Section of The Nuisances Removal Act, 1855, may be exercised at any Hour when the Business in respect of which the Nuisance arises is in progress or is usually carried on.

Power of Entry to Nuisance Authority or their Officer under Sect. 11. of 18 & 19 Vict. c. 121.

And any Justices Order once issued under the said Section shall continue in force until the Nuisance has been abated, or the Work for which the Entry was necessary has been done.

**32.** Any Ship or Vessel lying in any River, Harbour, or other Water shall be subject to the Jurisdiction of the Nuisance Authority of the District within which such River, Harbour, or other Water is, and be within the Provisions of the Nuisances Removal Acts, in the same Manner as if it were a House within such Jurisdiction, and the Master or other Officer in charge of such Ship shall be deemed for the Purposes of the Nuisances Removal Acts to be the Occupier of such Ship or Vessel; but this Section shall not apply to any Ship or Vessel belonging to Her Majesty or to any Foreign Government.

Provision as to Ships within the Jurisdiction of Nuisance Authority.

**33.** Where the Guardians are the Nuisance Authority for Part of any Parish only, and shall require to expend Money on account of such Part in execution of the Provisions of the said Acts, the Overseers of the Parish shall, upon Receipt of an Order from the said Guardians, raise the requisite Amount from the Persons liable to be assessed to the Poor Rate therein by a Rate to be made in like Manner as a Poor Rate, and shall have all the same Powers of making and recovering the same, and of paying the Expense of collecting the Rate when made, and shall account to the Auditor of the District for Receipt and Disbursement of the same, in like Manner, and with the same Consequences, as in the Case of the Poor Rate made by them.

Provision for raising Money in divided Parishes.

**34.** That it shall be lawful for the Nuisance Authority, at their Discretion, to require the Payment of any Costs or Expenses which the Owner of any Premises may be liable to pay under the said Nuisances Removal Acts or this Act, either from the Owner or from any Person who then or at any Time thereafter occupies such Premises, and such Owner or Occupier shall be liable to pay the same,

Nuisance Authority may require Payment of Costs or Expenses from Owner or Occupier, and Occupier

paying to  
deduct from  
Rent.

same, and the same shall be recovered in manner authorized by the Nuisance Removal Acts, and the Owner shall allow such Occupier to deduct the Sums of Money which he so pays out of the Rent from Time to Time becoming due in respect of the said Premises, as if the same had been actually paid to such Owner as Part of such Rent: Provided always, that no such Occupier shall be required to pay any further Sum than the Amount of Rent for the Time being due from him, or which, after such Demand of such Costs or Expenses from such Occupier, and after Notice not to pay his Landlord any Rent without first deducting the Amount of such Costs or Expenses, becomes payable by such Occupier, unless he refuse, on Application being made to him for that Purpose by or on behalf of the Nuisance Authority, truly to disclose the Amount of his Rent and the Name and Address of the Person to whom such Rent is payable, but the Burden of Proof that the Sum demanded from any such Occupier is greater than the Rent due by him at the Time of such Notice, or which has since accrued, shall lie upon such Occupier; provided also, that nothing herein contained shall be taken to affect any Contract made or to be made between any Owner or Occupier of any House, Building, or other Property whereof it is or may be agreed that the Occupier shall pay or discharge all Rates, Dues, and Sums of Money payable in respect of such House, Building, or other Property, or to affect any Contract whatsoever between Landlord or Tenant.

### PART III.

#### *Miscellaneous.*

In Cities,  
Boroughs, or  
Towns,  
Secretary of  
State, on  
Application  
of Nuisance  
Authority,  
may em-  
power them  
to make Re-  
gulations as  
to Lodging  
Houses.

**35.** On Application to One of Her Majesty's Principal Secretaries of State by the Nuisance Authority of the City of *London*, or any District or Parish included within the Act for the better Local Government of the Metropolis, or of any Municipal Borough, or of any Place under The Local Government Act, 1858, or any Local Improvement Act, or of any City or Town containing, according to the Census for the Time being in force, a Population of not less than Five thousand Inhabitants, the Secretary of State may, as he may think fit, by Notice to be published in the *London Gazette*, declare the following Enactment to be in force in the District of such Nuisance Authority, and from and after the Publication of such Notice the Nuisance Authority shall be empowered to make Regulations for the following Matters; that is to say,

1. For fixing the Number of Persons who may occupy a House or Part of a House which is let in Lodgings or occupied by Members of more than One Family :

2. For

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2. For the Registration of Houses thus let or occupied in Lodgings :
3. For the Inspection of such Houses, and the keeping the same in a cleanly and wholesome State :
4. For enforcing therein the Provision of Privy Accommodation and other Appliances and Means of Cleanliness in proportion to the Number of Lodgings and Occupiers, and the cleansing and Ventilation of the common Passages and Staircases :
5. For the cleansing and lime-whiting at stated Times of such Premises :

The Nuisance Authority may provide for the Enforcement of the above Regulations by Penalties not exceeding Forty Shillings for any One Offence, with an additional Penalty not exceeding Twenty Shillings for every Day during which a Default in obeying such Regulations may continue ; but such Regulations shall not be of any Validity unless and until they shall have been confirmed by the Secretary of State.

But this Section shall not apply to Common Lodging Houses within the Provisions of The Common Lodging Houses Act, 1851, or any Act amending the same.

**36.** Where Two Convictions against the Provisions of any Act relating to the overcrowding of a House, or the Occupation of a Cellar as a separate Dwelling Place, shall have taken place within the Period of Three Months, whether the Persons so convicted were or were not the same, it shall be lawful for any Two Justices to direct the closing of such Premises for such Time as they may deem necessary, and, in the Case of Cellars occupied as aforesaid, to empower the Nuisance Authority to permanently close the same, in such Manner as they may deem fit, at their own Cost.

Cases in which Two Convictions have occurred within Three Months.

**37.** The Sewer Authority, or in the Metropolis the Nuisance Authority, may provide for the Use of the Inhabitants within its District Hospitals or temporary Places for the Reception of the Sick.

Power to provide Hospitals.

Such Authority may itself build such Hospitals or Places of Reception, or make Contracts for the Use of any existing Hospital or Part of a Hospital, or for the temporary Use of any Place for the Reception of the Sick.

It may enter into any Agreement with any Person or Body of Persons having the Management of any Hospital for the Reception of the sick Inhabitants of its District, on Payment by the Sewer Authority of such annual or other Sum as may be agreed upon.

The carrying into effect this Section shall in the Case of a Sewer Authority be deemed to be One of the Purposes of the said Sewage

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Utilization Act, 1865, and all the Provisions of the said Act shall apply accordingly.

Two or more Authorities having respectively the Power to provide separate Hospitals may combine in providing a common Hospital, and all Expenses incurred by such Authorities in providing such Hospital shall be deemed to be Expenses incurred by them respectively in carrying into effect the Purposes of this Act.

Penalty on any Person, with infectious Disorder, exposing himself, or on any Person in charge of such Sufferer causing such Exposure.

**38.** Any Person suffering from any dangerous infectious Disorder who wilfully exposes himself, without proper Precaution against spreading the said Disorder, in any Street, public Place, or public Conveyance, and any Person in charge of one so suffering who so exposes the Sufferer, and any Owner or Driver of a public Conveyance who does not immediately provide for the Disinfection of his Conveyance after it has, with the Knowledge of such Owner or Driver, conveyed any such Sufferer, and any Person who without previous Disinfection gives, lends, sells, transmits, or exposes any Bedding, Clothing, Rags, or other Things which have been exposed to Infection from such Disorders, shall, on Conviction of such Offence before any Justice, be liable to a Penalty not exceeding Five Pounds: Provided that no Proceedings under this Section shall be taken against Persons transmitting with proper Precautions any such Bedding, Clothing, Rags, or other Things for the Purpose of having the same disinfected.

Penalty on Persons letting Houses in which infected Persons have been lodging.

**39.** If any Person knowingly lets any House, Room, or Part of a House in which any Person suffering from any dangerous infectious Disorder has been to any other Person without having such House, Room, or Part of a House, and all Articles therein liable to retain Infection, disinfected to the Satisfaction of a qualified Medical Practitioner as testified by a Certificate given by him, such Person shall be liable to a Penalty not exceeding Twenty Pounds. For the Purposes of this Section the Keeper of an Inn shall be deemed to let Part of a House to any Person admitted as a Guest into such Inn.

Guardians, &c. of the Poor to be the Local Authorities for executing Diseases Prevention Act.

**40.** Where in any Place Two or more Boards of Guardians or Local Authorities have Jurisdiction, the Privy Council may, by any Order made under The Diseases Prevention Act, 1855, authorize or require such Boards to act together for the Purposes of that Act, and may prescribe the Mode of such joint Action and of defraying the Costs thereof.

Evidence of Family in case of overcrowded Houses.

**41.** In any Proceedings under The Common Lodging Houses Act, 1851, if the Inmates of any House or Part of a House allege that



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that they are Members of the same Family, the Burden of proving such Allegation shall lie on the Persons making it.

**42.** The Sixty-seventh Section of The Public Health Act, 1848, relating to Cellar Dwellings, shall apply to every Place in *England* and *Ireland* where such Dwellings are not regulated by any other Act of Parliament, and in applying that Section to Places where it is not in force at the Time of the passing of this Act the Expression "this Act" shall be construed to mean the "Sanitary Act, 1866," and not the said Public Health Act, 1848. In construing the said Sixty-seventh Section as applied by this Act Nuisance Authority shall be substituted for the Local Board.

Extension to the whole of England and Ireland of Sect. 67. of 11 & 12 Vict. c. 63.

**43.** Local Boards acting in execution of the Local Government Act, 1858, may adopt the Act to encourage the Establishment of public Baths and Wash-houses, and any Act amending the same, for Districts in which those Acts are not already in force, and when they have adopted the said Acts they shall have all the Powers, Duties, and Rights of Commissioners under the said Acts; and all Expenses incurred by any Local Board in carrying into execution the Acts referred to in this Section shall be defrayed out of the General District Rates, and all Receipts by them under the said Acts shall be carried to the District Fund Account.

Local Board in certain Cases may adopt Baths and Wash-houses Acts.

**44.** When the District of a Burial Board is conterminous with the District of a Local Board of Health, the Burial Board may, by Resolution of the Vestry, and by Agreement of the Burial Board and Local Board, transfer to the Local Board all their Estate, Property, Rights, Powers, Duties, and Liabilities, and from and after such Transfer the Local Board shall have all such Estate, Property, Rights, Powers, Duties, and Liabilities as if the Local Board had been appointed a Burial Board by Order in Council under the Fourth Section of the Act of the Session of the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Eighty-one.

Power to Burial Boards in certain Cases to transfer their Powers to Local Board.

**45.** If any Person wilfully damages any Works or Property belonging to any Local Board, Sewer Authority, or Nuisance Authority, he shall be liable to a Penalty not exceeding Five Pounds.

Penalty for wilful Damage of Works.

**46.** The following Bodies, that is to say, Local Boards, Sewer Authorities, and Nuisance Authorities, if not already incorporated, shall respectively be Bodies Corporate designated by such Names as they may usually bear or adopt, with Power to sue and be sued in such Names, and to hold Lands for the Purposes of the several Acts conferring Powers on such Bodies respectively in their several Characters

Incorporation of Sanitary Authorities.

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Characters of Local Boards, Sewer Authorities, or Nuisance Authorities.

Extent of Authority to make Provisional Orders respecting Lands under Sect. 75. of 21 & 22 Vict. c. 98.

47. The Authority conferred on One of Her Majesty's Principal Secretaries of State by Section Seventy-five of the Local Government Act, 1858, to empower by Provisional Order a Local Board to put in force, with reference to the Land referred to in such Order, the Powers of The Lands Clauses Consolidation Act, 1845, with respect to the Purchase and taking of Lands otherwise than by Agreement, shall extend and apply, and shall be deemed to have always extended and applied, to every Case in which, by The Public Health Act, 1848, and The Local Government Act, 1858, or either of them, or any Act extending or amending those Acts, or either of them, a Local Board are authorized to purchase, provide, use, or take Lands or Premises for any of the Purposes of the said Acts, or either of them, or of any such Act as aforesaid; and Sections Seventy-three and Eighty-four of The Public Health Act, 1848, shall be construed as if the Words "by Agreement" therein respectively used had been expressly repealed by Section Seventy-five of The Local Government Act, 1858.

Appearance of Local Authorities in legal Proceedings.

48. Any Local Board, Sewer Authority, or Nuisance Authority may appear before any Justice or Justices, or in any legal Proceeding, by its Clerk or by any Officer or Member authorized generally or in respect of any special Proceeding by Resolution of such Board or Authority, and such Person being so authorized shall be at liberty to institute and carry on any Proceeding which the Nuisance Authority is authorized to institute and carry on under the Nuisance Removal Acts or this Act.

Mode of Proceeding where Sewer Authority has made default in providing sufficient Sewers, &c.

49. Where Complaint is made to One of Her Majesty's Principal Secretaries of State that a Sewer Authority or Local Board of Health has made default in providing its District with sufficient Sewers, or in the Maintenance of existing Sewers, or in providing its District with a Supply of Water, in Cases where Danger arises to the Health of the Inhabitants from the Insufficiency or Unwholesomeness of the existing Supply of Water, and a proper Supply can be got at a reasonable Cost, or that a Nuisance Authority has made default in enforcing the Provisions of the Nuisance Removal Acts, or that a Local Board has made default in enforcing the Provisions of the Local Government Act, the said Secretary of State, if satisfied, after due Inquiry made by him, that the Authority has been guilty of the alleged Default, shall make an Order limiting a Time for the Performance of its Duty in the Matter of such Complaint; and if such Duty is not performed by the Time limited in the Order, the said

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said Secretary of State shall appoint some Person to perform the same, and shall by Order direct that the Expenses of performing the same, together with a reasonable Remuneration to the Person appointed for superintending such Performance, and amounting to a Sum specified in the Order, together with the Costs of the Proceedings, shall be paid by the Authority in default; and any Order made for the Payment of such Costs and Expenses may be removed into the Court of Queen's Bench, and be enforced in the same Manner as if the same were an Order of such Court.

**50.** All Expenses incurred by a Sewers Authority or Local Board in giving a Supply of Water to Premises under the Provisions of the Seventy-sixth Section of The Public Health Act, 1848, or the Fifty-first Section of The Local Government Act, 1858, and recoverable from the Owners of the Premises supplied, may be recovered in a summary Manner.

Recovery of certain Expenses of Water Supply.

**51.** All Penalties imposed by the Act of the Sixth Year of King George the Fourth, Chapter Seventy-eight, intituled *An Act to repeal the several Laws relating to Quarantine, and to make other Provisions in lieu thereof*, may be reduced by the Justices or Court having Jurisdiction in respect of such Penalties to such Sum as the Justices or Court think just.

Power to reduce Penalties imposed by 6 G. 4. c. 78.

**52.** Every Vessel having on board any Person affected with a dangerous or infectious Disorder shall be deemed to be within the Provisions of the Act of the Sixth Year of King George the Fourth, Chapter Seventy-eight, although such Vessel has not commenced her Voyage, or has come from or is bound for some Place in the United Kingdom; and the Lords and others of Her Majesty's Most Honourable Privy Council, or any Three or more of them (the Lord President of the Council or one of Her Majesty's Principal Secretaries of State being one), may, by Order or Orders to be by them from Time to Time made, make such Rules, Orders, and Regulations as to them shall seem fit, and every such Order shall be certified under the hand of the Clerk in Ordinary of Her Majesty's Privy Council, and shall be published in the *London Gazette*, and such Publication shall be conclusive Evidence of such Order to all Intents and Purposes; and such Orders shall be binding and be carried into effect as soon as the same shall have been so published, or at such other Time as shall be fixed by such Orders, with a view to the Treatment of Persons affected with Cholera, and epidemic, endemic, and contagious Disease, and preventing the Spread of Cholera and such other Diseases, as well on the Seas, Rivers, and Waters of the United Kingdom, and on the High Seas within Three Miles of the Coasts thereof, as on Land; and to declare

Description of Vessels within Provisions of 6 G. 4. c. 78.

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declare and determine by what Nuisance Authority or Authorities such Orders, Rules, and Regulations shall be enforced and executed; and any Expenses incurred by such Nuisance Authority or Authorities shall be deemed to be Expenses incurred by it or them in carrying into effect the Nuisances Removal Acts.

Periodical  
Removal of  
Manure in  
Mews, &c.

**53.** Where Notice has been given by the Nuisance Authority, or their Officer or Officers, for the periodical Removal of Manure or other refuse Matter from Mews, Stables, or other Premises (whether such Notice shall be by public Announcement in the Locality or otherwise), and subsequent to such Notice the Person or Persons to whom the Manure or other refuse Matter belongs shall not so remove the same, or shall permit a further Accumulation, and shall not continue such periodical Removal at such Intervals as the Nuisance Authority, or their Officer or Officers, shall direct, he or they shall be liable, without further Notice, to a Penalty of Twenty Shillings *per* Day for every Day during which such Manure or other refuse Matter shall be permitted to accumulate, such Penalty to be recovered in a summary Manner: Provided always, that this Section shall not apply to any Place where the Board of Guardians or Overseers of the Poor are the Nuisance Authority.

Recovery of  
Penalties.

**54.** Penalties under this Act, and Expenses directed to be recovered in a summary Manner, may be recovered before Two Justices in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen Victoria, Chapter Forty-three, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to summary Convictions and Orders*, or any Act amending the same.

Powers of  
Act cumu-  
lative.

**55.** All Powers given by this Act shall be deemed to be in addition to and not in derogation of any other Powers conferred on any Local Authority by Act of Parliament, Law, or Custom, and such Authority may exercise such other Powers in the same Manner as if this Act had not passed.

## PART IV.

*Application of Act to Ireland.*

Modifica-  
tions neces-  
sary for  
Application  
of Part I. to  
Ireland.

**56.** In applying the First Part of this Act to Ireland the following Changes shall be observed:

- (1.) The Provisions of the Sections numbered from Seventy-five to Eighty, both included, of The Public Health Act, 1848, and Sections Fifty-one, Fifty-two, and Fifty-three of The Local Government Act, 1858, and Section Twenty of the Local



*Public Health.*

Local Government Act, 1858, Amendment Act, 1861, referred to in the First Part of this Act, shall for all Purposes connected with the Execution of this Act be extended to *Ireland* :

- (2.) The Sewage Utilization Act, 1865, shall be amended by substituting in *Ireland* the Sewer Authority, as defined by the First Schedule to this Act, for the Sewers Authority as defined by said Act.

57. The Nuisance Removal Acts as amended by the Second Part of this Act shall apply to *Ireland*; provided, however, that in such Application the following Changes shall be observed :

Modifica-  
tions neces-  
sary for  
Application  
of Part II. to  
*Ireland*.

- (1.) Sewer Authority as defined by the Sewage Utilization Act, 1865, and amended by this Act, shall in *Ireland* be the Nuisance Authority for executing the Nuisance Removal Acts :
- (2.) The Expenses of executing the Nuisance Removal Acts shall be defrayed out of the Funds herein-after provided :
- (3.) The Penalties shall be recovered in the Manner herein-after provided :
- (4.) The Expressions "Mayor, Aldermen, and Burgesses," "Council," "Borough Rate," "Borough Fund," and "Town Rate," shall in the First Schedule hereto have respectively the same Meaning as in the Acts for the Regulation of Municipal Corporations in *Ireland* :
- (5.) For the Purposes of the Twenty-second Section of the Nuisance Removal Act, 1855, the Nuisance Authority shall in *Ireland* have the Power of entering Land conferred by The Sewage Utilization Act, 1865, and shall have the same Power of levying Assessments under the said Section that they have of levying any other Rates they are authorized by Law to impose.

58. In *Ireland*, the Nuisance Authority, not being the Guardians of the Poor, shall pay all Expenses incurred by them in carrying the Nuisance Removal Acts into effect out of the Fund in the First Schedule in that Behalf mentioned, and where such Fund arises wholly or in part from Rates shall have, in addition to their existing Powers of Rating, all such Powers for making and levying any extra Rate, if necessary, respectively, as in the Case of any Rate authorised to be made under the Provisions of the respective Acts of Parliament under which the Nuisance Authorities are constituted or authorized to levy Rates; and all Provisions of such Acts respectively shall be applicable in respect thereof; provided that when the Rates to be assessed by such Authority are limited by Law to a certain rateable Amount, such Limitation shall not apply or extend to Expenses incurred in carrying this Act into execution; and it shall be lawful

How Ex-  
penses to be  
defrayed in  
*Ireland* when  
Nuisance  
Authority  
not a Board  
of Guardians.

for such Authority to assess the Expenses under this Act in addition to such limited Assessment.

When Board of Guardians is Nuisance Authority, how Expenses to be defrayed in Ireland.

**59.** In *Ireland*, a Nuisance Authority, being Guardians of the Poor, shall pay all Expenses incurred by them in carrying this Act into effect out of the Poor Rates of the Union, and charge the same to the Union, or any Electoral Division or Electoral Divisions thereof, in such Manner as the Poor Law Commissioners shall from Time to Time, by General Orders applicable to Classes of Cases, or by Order in any particular Case, direct.

Recovery of Penalties in Ireland.

**60.** In *Ireland*, Penalties under this Act and Expenses or Compensation directed to be recovered in a summary Manner, and Nuisances and other Offences liable to be prosecuted summarily, shall be recovered and prosecuted in manner directed by the Petty Sessions (*Ireland*) Act, 1851, or any Act amending the same; and all Penalties recovered by any Authority under this Act shall be paid to them respectively, and by them applied in aid of their Expenses under this Act.

Any Order authorized to be made by Justices under this Act shall be deemed to be an Order made upon a Complaint on which Justices are authorized to make Orders under the last-mentioned Act.

Modifications necessary for Application of Part III. to Ireland.

**61.** In applying the Provisions of Part III. of this Act to *Ireland* the following Changes shall be observed:

- (1.) Applications for Power to make Regulations as to Lodging Houses may be made by any Nuisance Authority, except a Board of Guardians, and shall be made to the Lord Lieutenant in Council, and the said Lord Lieutenant in Council shall have the Power of declaring the Enactments as to Lodging Houses in the Third Part of this Act to be in force in any Nuisance District:
- (2.) The said Lord Lieutenant in Council shall have and exercise the Power, in respect of Boards of Guardians acting together, vested in the Privy Council by the said Third Part of this Act:
- (3.) In *Ireland*, any Nuisance Authority, except a Board of Guardians, may exercise the Powers conferred on Local Boards acting in the Execution of The Local Government Act, 1858, by the said Third Part of this Act:
- (4.) Sewer and Nuisance Authorities in *Ireland* shall be incorporated for the Purposes of this Act by the Names set forth in the said First Schedule hereto; and such Sewer or Nuisance Authorities may hold Lands by such Names for the Purposes of Burial Ground (*Ireland*) Act, 1856:
- (5.) The Penalties under the Third Part of this Act shall be recovered in like Manner as herein-before provided with respect to Penalties under the Second Part of this Act.

*Public Health.*

**62.** The Diseases Prevention Act, 1855, as amended by the Nuisance Removal and Disease Prevention Amendment Act, 1860, and this Act, shall extend to *Ireland*: Provided, however, that in such Application the following Changes shall be observed:

Modifica-  
tions neces-  
sary for  
Application  
of Disease  
Prevention  
Act to Ire-  
land.

- (1.) The Lord Lieutenant in Council shall have the Power with respect to *Ireland* which the Privy Council has under such Provisions for Prevention of Disease in *England*:
- (2.) The Commissioners for administering the Laws for the Relief of the Poor in *Ireland*, herein-after called the Poor Law Commissioners shall be the Authority in *Ireland* for issuing Regulations to carry the Provisions of said Act into effect:
- (3.) The Regulations of the Poor Law Commissioners shall be authenticated in like Manner as Orders of theirs under the Dispensary Act, 1851, Stat. 14 & 15 *Vict.* c. 68. Sect. 8.:
- (4.) In defraying the Expenses of the Prevention of Disease out of the Poor Rate of the Union under this Act the Guardians of the Poor shall charge the same to the Union or any Dispensary District or Electoral Division or Divisions thereof, in such Manner as the Poor Law Commissioners shall from Time to Time, by General Orders applicable to Classes of Cases, or by Orders in particular Cases, direct.

**63.** In *Ireland*, all Committees, Inspectors, Medical Officers, and other Persons appointed or employed under the Powers of Statute Fourteenth and Fifteenth *Victoria*, Chapter Sixty-eight, (the Dispensaries Act, 1851,) shall and they are hereby required within their respective Districts to aid the Local Authority, and such Officers or Persons as they shall appoint or employ, in the Superintendence and Execution of any Directions and Regulations which may at any Time be issued by the Poor Law Commissioners for the Time being under the Authority and by virtue of this Act.

Committee  
and Officers  
under Dis-  
pensaries  
Act to aid  
Local Autho-  
rity in exe-  
cution of  
this Act.

**64.** In *Ireland*, the Provisions of The Dispensary Act, 1851, (Statute 14 & 15 *Vict.* c. 68.) with respect to the Duties and Appointment of Medical Inspectors, shall be incorporated with this Act, and the Prevention of Disease and Inquiry into Public Health under this Act shall be deemed One of the Purposes for which such Medical Inspectors have been or may be appointed, in like Manner as if its Provisions had been referred to in the said Act of 1851, instead of the Provisions of the said Nuisance Removal and Diseases Prevention Act of 1848.

The Pro-  
visions of  
14 & 15 *Vict.*  
c. 68. as  
to Duties  
and Appoint-  
ment of  
Medical  
Inspectors  
in *Ireland*  
incorporated  
with this  
Act.

**65.** In *Ireland*, whenever in compliance with any Direction or Regulation of the Poor Law Commissioners which they may be empowered to make under the Laws for the Time being as to the

Remunera-  
tion to Medi-  
cal Practi-  
tioners for

Services under the Directions and Regulations of the Poor Law Commissioners in Ireland.

Public Health, any Medical Officer of a Union or Dispensary District, or any other Medical Practitioner specially employed by the Guardians for the Purpose, shall perform any extra Medical Service in any Union or Part of a Union, it shall and may be lawful for the Guardians of the Union to determine, subject to the Approval of the said Commissioners, and if they shall not approve the Amount determined by the Guardians, for the said Commissioners to fix by Order under their Seal such Remuneration, proportioned to the Nature and Extent of such Services as aforesaid, as to them shall appear just and reasonable; and the Amount of such Remuneration shall be paid to such Medical Officer or other Medical Practitioner by the Guardians of the Union out of the Rates raised for the Relief of the Poor, and shall be charged either to the Union at large, or to such Part or Parts of the Union, according to the Nature of the Case, as the said Commissioners shall in each Case direct.

Poor Law Commissioners to make Inquiries as to Public Health in Ireland.

66. The Lord Lieutenant in Council may from Time to Time direct the Poor Law Commissioners to cause to be made such Inquiries as the Lord Lieutenant in Council see fit in relation to any matters concerning the Public Health in any Place or Places in *Ireland*, and the Poor Law Commissioners shall report the Result of such Inquiries to the Lord Lieutenant in Council.

Publication in Ireland to be made in Dublin Gazette.

67. Publication shall be made in the *Dublin Gazette* in any Case in *Ireland* where Publication in the *London Gazette* is required in *England*.

Powers in Secretary of State in England to be exercised in Ireland by the Lord Lieutenant in Council.

68. All Powers relating to the Execution of this Act in *England*, and by this Act vested in One of Her Majesty's Principal Secretaries of State, shall, with regard to the Execution of this Act in *Ireland*, in all Cases not herein-before expressly provided for, be vested in the Lord Lieutenant or other Chief Governor or Governors of *Ireland*; and all Powers relating to the Execution of this Act in *England*, and by this Act vested in the Privy Council in *England*, shall, with regard to the Execution of this Act in *Ireland*, in all Cases not herein-before expressly provided for, be vested in the Lord Lieutenant in Council in *Ireland*.

Repeal of Statutes applicable to Ireland.

69. From and after the passing of this Act, the Acts set forth in the Second Schedule hereto shall be repealed, so far as they are still in force: Provided always, that all Proceedings commenced or taken under the said Acts and not yet completed may be proceeded with under said Acts, and that all Contracts and Works undertaken by virtue of said Acts shall continue and be effective as if said Acts had not been repealed.



*Public Health.*

## SCHEDULES.

## FIRST SCHEDULE.

## APPLICATION TO IRELAND.

Description of Sewers and Nuisance Authority in Ireland.	Description of Sewers and Nuisance District in Ireland.	Corporate Name, for the Purpose of suing or being sued, or holding Property, under the Provisions of this Act.	Rate or Fund out of which Expenses incurred by Sewers or Nuisance Authority under this Act to be defrayed.
The Right Honorable the Lord Mayor, Aldermen, and Burgesses, acting by the Town Council.	The City of Dublin.	The Right Honorable the Lord Mayor, Aldermen, and Burgesses of the City of Dublin.	The Borough Rate or Borough Fund.
The Mayor, Aldermen, and Burgesses, acting by the Town Council.	Towus Corporate, with Exception of Dublin.	The Mayor, Aldermen, and Burgesses of the City or Town of —	The Borough Rate or Borough Fund.
The Town Commissioners.	Towns having Town Commissioners under the Towus Improvement (Ireland) Act, 1854 (17 & 18 Vict.c.113), or under any Local Act.	The Town Commissioners of —	Any Rate levied by the Commissioners.
The Township Commissioners.	Townships having Commissioners under Local Acts.	The Township Commissioners of —	
The Commissioners appointed by virtue of an Act made in the 9th Year of the Reign of George the Fourth, intituled "An Act to make Provision for the lighting, cleansing, and watching of Cities and Towns Corporate and Market Towus in Ireland in certain Cases."	Towns under such Commissioners.	The Lighting and Cleansing Commissioners of the Town of —	
The Municipal Commissioners.	Towns having Municipal Commissioners, under 3 & 4 Vict. c. 108.	The Municipal Commissioners of —	The Town Fund.
The Guardians of the Poor of each Union.	Such Part of each Union as is not under another Sewer or Nuisance Authority.	The Guardians of the Poor of the — Union.	The Poor Rate of Union.

SECOND SCHEDULE.  

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*Statutes repealed.*

Local Boards of Health Act for Ireland, 1818 ; Statute 58 Geo. 3.  
c. 47. ss. 10 to 15 inclusive.

Officers of Health Act for Ireland, 1819 ; Statute 59 Geo. 3.  
c. 41.

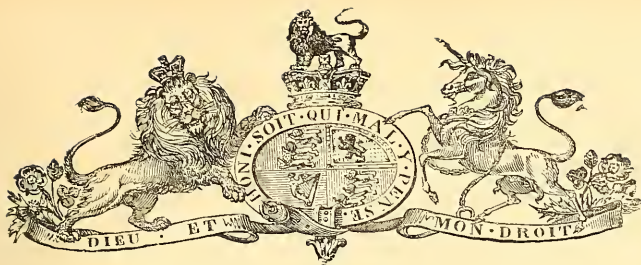
Nuisance Removal and Disease Prevention Act, 1848.

Nuisance Removal and Disease Prevention Act, 1849.

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LONDON: Printed by EYRE and SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1884.



ANNO VICESIMO NONO & TRICESIMO

# VICTORIÆ REGINÆ.

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## C A P. XLI.

An Act to amend the Nuisances Removal and Diseases Prevention Act, 1860.

[28th June 1866.]

**W**HEREAS it is expedient that the Provisions of the Act Twenty-third and Twenty-fourth *Victoria*, Chapter Seventy-seven, as to the Power of Justices of the Peace to act in Cases other than Appeals arising under "The Nuisances Removal Act for *England*, 1855," should be repealed, and that the said Act of the Twenty-third and Twenty-fourth *Victoria*, Chapter Seventy-seven, should be amended as herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The Sixteenth Section of the Act of the Twenty-third and Twenty-fourth *Victoria*, Chapter Seventy-seven, shall be and is hereby repealed.

Sect. 16. of  
23 & 24 Vict  
c. 77. re-  
pealed.

2. No Justice of the Peace shall be deemed incapable of acting in Cases under the Nuisances Removal Act, or the Act of the Twenty-third and Twenty-fourth *Victoria*, Chapter Seventy-seven, by reason of his being a Member of any Body thereby declared to be the Authority to execute the said Act, or by reason of his being

No Justice  
to be in-  
capable of  
acting be-  
cause Mem-  
ber of Body  
authorized

*Nuisances Removal.*

to execute  
Act or liable  
to contri-  
bute.

a Contributor or liable to contribute to any Rate or Fund out of which it is thereby provided that all Charges and Expenses incurred in executing the said Act, and not recovered as therein provided, shall be defrayed.

Short Title.

3. This Act may be cited as "The Nuisances Removal Act, (No. 1), 1866."

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LONDON: Printed by EYRE and SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1889.



ANNO NONO & DECIMO

# VICTORIÆ REGINÆ.

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C A P. LXXIV.

An Act to encourage the Establishment of public  
Baths and Wash-houses. [26th August 1846.]

**W**HEREAS it is desirable for the Health, Comfort, and Welfare of the Inhabitants of Towns and populous Districts to encourage the Establishment therein of public Baths and Wash-houses and open Bathing Places: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act may be adopted for any incorporated Borough in *England* which is regulated under an Act passed in the Sixth Year of the Reign of His late Majesty, to provide for the Regulation of Municipal Corporations, or any Charter granted in pursuance of the said Act, or any Act passed for the Amendment thereof, and also, with the Approval of One of Her Majesty's Principal Secretaries of State, for any Parish in *England* not within any such incorporated Borough.

Act may be  
adopted in  
certain  
Boroughs  
and Parishes.

II. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them,  
9 I unless Interpretation of Act.



unless there be something in the Subject or Context repugnant to such Construction ; that is to say,

“ Parish ” shall mean every Place having separate Overseers of the Poor, and separately maintaining its own Poor :

“ Borough ” shall mean City, Borough, Port, Cinque Port, or Town Corporate :

“ Rate-payers ” shall mean such of the Persons for the Time being assessed to and paying Rates for the Relief of the Poor of the Parish as for the Time being shall be duly qualified to vote for the Election of Overseers for the Parish :

“ Churchwardens ” shall mean also Chapelwardens, or other Persons discharging the Duties of Churchwardens :

“ Overseers ” shall mean also any Persons authorized and required to make and collect or cause to be collected the Rate for the Relief of the Poor of the Parish, and acting instead of Overseers of the Poor :

“ Vestry ” shall mean the Inhabitants of the Parish lawfully assembled in Vestry, or for any of the Purposes for which Vestries are holden, except in those Parishes in which there is a Select Vestry elected under an Act passed in the Fifty-ninth Year of the Reign of King George the Third, intituled *An Act to amend the Laws for the Relief of the Poor*, or elected under an Act passed in the Second Year of the Reign of His late Majesty, intituled *An Act for the better Regulation of Vestries, and for the Appointment of Auditors of Accounts, in certain Parishes of England and Wales*, or elected under the Provisions of any local Act of Parliament for the Government of any Parish by Vestries, in which Parishes it shall mean such Select Vestry :

“ Commissioners ” shall mean the Commissioners appointed in accordance with this Act for any Parish, and for the Time being in Office and acting as such Commissioners :

“ Clerk ” shall mean, as regards an incorporated Borough, the Town Clerk of such Borough ; and, as regards a Parish, the Clerk appointed pursuant to this Act by the Commissioners :

“ Justice ” shall mean Justice of the Peace for the County, Riding, Division, Liberty, Borough, or Place where the Matter requiring the Cognizance of Justices shall arise :

“ Lands ” shall mean Lands, Tenements, and Hereditaments, of whatsoever Nature or Tenure :

Words importing the Masculine Gender shall include the Feminine :

Words of the Plural Number shall include the Singular, and Words of the Singular Number shall include the Plural.

Council of any Borough may adopt the Provisions contained in this Act, if they think fit.

III. And be it enacted, That the Council of any such Borough as aforesaid may, if they think fit, determine that this Act shall be adopted for such Borough, and then and in such Case such of the Provisions of this Act as are applicable in that Behalf shall thenceforth take effect and come into operation in such Borough, and this Act shall be carried into execution in such Borough in accordance with such Provisions and the Laws for the Time being in force relating to the Municipal Corporation of such Borough.

IV. And

IV. And be it enacted, That the Expenses of carrying this Act into execution in any such Borough in which the Council shall have resolved to adopt this Act for their Borough shall be chargeable upon and paid out of the Borough Fund, and for that Purpose the Council may levy with and as Part of the Borough Rate, or by a separate Rate to be assessed, levied, paid, and recovered in like Manner and with the like Powers and Remedies in all respects as the Borough Rate, such Sums of Money as shall be from Time to Time necessary for defraying such Expenses, and shall apply the same accordingly as if the Expense of carrying this Act into execution were an Expense necessarily incurred in carrying into effect the Provisions of the said Act of the Sixth Year of the Reign of His late Majesty; and the Income arising from the Baths and Wash-houses and open Bathing Places in any Borough shall be paid to the Credit of the Borough Fund thereof, and the Council shall keep distinct Accounts of their Receipts, Payments, Credits, and Liabilities, with reference to the Execution of this Act, to be called "The public Baths and Wash-houses Account."

Expenses of carrying this Act into execution shall be charged upon the Borough Fund, and Income arising carried to same.

V. And be it enacted, That upon the Requisition in Writing of Ten or more Rate-payers of any such Parish as aforesaid, not being within any such incorporated Borough, the Churchwardens or other Persons to whom it belongs to convene Meetings of the Vestry in such Parish shall convene a Meeting of the Vestry for the special Purpose of determining whether this Act shall be adopted for the Parish, after public Notice of such Vestry, and the Place and Hour of holding the same, and the special Purpose thereof, given in the usual Manner in which Notice of the Meetings of the Vestry is given at least Seven Days before the Day to be appointed for holding such Vestry; and if thereupon it shall be resolved by the Vestry that this Act ought to be adopted for the Parish, a Copy of such Resolution extracted from the Minutes of the Vestry, and signed by the Chairman, shall be sent to One of Her Majesty's Principal Secretaries of State for his Approval, and as soon as such Approval shall have been signified in Writing under the Hand of any such Secretary of State, such of the Provisions of this Act as are applicable in that Behalf shall thenceforth take effect and come into operation in the Parish: Provided always, that no such Resolution of the Vestry shall be deemed to be carried unless at least Two Thirds of the Number of Votes given on the Question according to the usual Manner of voting at such Vestry shall have been given for such Resolution.

On the Requisition of Ten Rate-payers, Churchwardens, &c. to convene Vestry Meeting to determine whether this Act shall be adopted.

If Vestry resolve to adopt the Act, a Copy of Resolution to be sent to Secretary of State, &c.

No Resolution deemed to be carried unless Two Thirds vote for it.

VI. And be it enacted, That in such Case the Vestry shall appoint not less than Three nor more than Seven Persons, being Rate-payers of the Parish, Commissioners for carrying this Act into execution in the Parish, of whom One Third, or as nearly as may be One Third (to be determined among themselves), shall go out of Office yearly, but shall be eligible for immediate Re-appointment.

Where Act adopted Vestry to appoint Commissioners for carrying the same into execution.

VII. And be it enacted, That any Commissioner may at any Time resign his Office as a Commissioner on giving Seven Days Notice in Writing of his Intention to resign to the Clerk, and also to the Churchwardens.

Resignation of Commissioners.

VIII. And

Vacancies to  
be filled up  
by Vestry.

VIII. And be it enacted, That any Vacancies in the Commissionership may be filled up by the Vestry when and as the Vestry shall think fit.

Meetings of  
the Commis-  
sioners.

IX. And be it enacted, That the Commissioners shall meet at least once in every Calendar Month at their Office, or some other convenient Place previously publicly notified.

Special  
Meetings of  
Commis-  
sioners.

X. And be it enacted, That the Commissioners may meet at such other Time as at any previous Meeting shall be determined upon, and it shall be at all Times competent for any One Commissioner, by Writing under his Hand, to summon, with at least Forty-eight Hours Notice, the Commissioners for any special Purpose therein named, and to meet at such Times as shall be therein named.

Quorum of  
Commis-  
sioners.

XI. And be it enacted, That at all Meetings of the Commissioners any Number not less than One Third of the whole Number when more than Three Commissioners shall have been appointed, and when only Three Commissioners shall have been appointed then any Number not less than Two Commissioners, shall be a sufficient Number for transacting Business, and for exercising all the Powers of the Commissioners.

Commis-  
sioners may  
appoint and  
remove  
Officers, &c.

XII. And be it enacted, That the Commissioners shall appoint, and may remove at pleasure, a Clerk and such other Officers and Servants as shall be necessary for effecting the Purposes of this Act, and, with the Approval of the Vestry, may appoint reasonable Salaries, Wages, and Allowances for such Clerk, Officers, and Servants, and, when necessary, may hire and rent a sufficient Office for holding their Meetings and transacting their Business, and may agree for and pay a reasonable Rent for such Office.

Minutes of  
Proceedings  
of Commis-  
sioners to be  
entered in a  
Book.

XIII. And be it enacted, That all Orders and Proceedings of the Commissioners shall be entered in Books, to be kept by them for that Purpose, and shall be signed by the Commissioners, or any Two of them; and all such Orders and Proceedings so entered, and purporting to be so signed, shall be deemed to be original Orders and Proceedings; and such Books may be produced and read as Evidence of all such Orders and Proceedings upon any Appeal, Trial, Information, or other Proceeding, civil or criminal, and in any Court of Law or Equity whatsoever.

Commis-  
sioners to  
keep Ac-  
counts, which  
shall be open  
to Inspection.

XIV. And be it enacted, That the Commissioners shall provide and keep Books in which shall be entered true and regular Accounts of all Sums of Money received and paid for or on account of the Purposes of this Act in the Parish, and of all Liabilities incurred by them for such Purposes, and of the several Purposes for which such Sums of Money shall have been paid and such Liabilities shall have been incurred; and such Books shall at all reasonable Times be open to the Examination of every Commissioner, Churchwarden, Overseer, and Rate-payer, without Fee or Reward, and they respectively may take Copies of or Extracts from such Books, or any Part thereof, without paying for the same; and in case the

Commis-



Commissioners, or any of them, or any of their Officers or Servants having the Custody of the said Books, being thereunto reasonably requested, shall refuse to permit or shall not permit any Churchwarden, Overseer, or Rate-payer to examine the same, or take any such Copy or Extract, every Commissioner, Officer, or Servant so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Penalty for refusing to allow Inspection.

XV. And be it enacted, That the Vestry shall yearly appoint Two Persons, not being Commissioners, to be Auditors of the Accounts of the Commissioners, and at such Time in the Month of *March* in every Year after the Adoption of this Act for the Parish as the Vestry shall appoint the Commissioners shall produce to the Auditors their Accounts, with sufficient Vouchers for all Monies received and paid, and the Auditors shall examine such Accounts and Vouchers, and report thereon to the Vestry.

Auditors to be appointed yearly, who shall examine the Accounts and report to Vestries.

XVI. And be it enacted, That the Expenses of carrying this Act into execution in any Parish not within any such incorporated Borough to such Amount as shall be from Time to Time sanctioned by the Vestry shall be chargeable upon and paid out of the Monies to be raised or applicable for the Relief of the Poor of the Parish.

Expenses of executing Act in any Parish to be paid out of the Poor's Rate.

XVII. And be it enacted, That for defraying the Expenses which shall have been or shall be incurred in carrying this Act into execution in the Parish the Vestry may and shall from Time to Time order the Overseers to levy with and as Part of the Rate for the Relief of the Poor of the Parish such Sums as the Vestry shall deem necessary, and the Amount thereof shall accordingly be assessed, levied, paid, and recovered in like Manner, and with the like Powers and Remedies in all respects, as such Rate, and shall be paid by the Overseers, according to the Order of the Vestry, to such Person as shall be appointed by the Commissioners to receive the same, and his Receipt shall be a sufficient Discharge to the Overseers for the same, and shall be allowed accordingly in passing their Accounts.

Overseers to levy, as Part of the Poor's Rate, such Sums as Vestry shall deem necessary to pay Expenses.

XVIII. And be it enacted, That the Money raised for defraying the Expenses of carrying this Act into execution, and the Income arising from the Baths and Wash-houses and open Bathing Places in the Parish, shall be applied by the Commissioners in or towards defraying the Expenses of carrying this Act into execution in the Parish; and whenever, after Repayment of all Monies borrowed for the Purpose of carrying this Act into execution in the Parish, and the Interest thereof, and after satisfying all the Liabilities of the Commissioners with reference to the Execution of this Act in the Parish, and providing such a Balance as shall be deemed by the Commissioners sufficient to meet their probable Liabilities during the then next Year, there shall be at the Time of holding the Meeting of the Vestry at which the yearly Report of the Auditors shall be produced any surplus Money at the Disposal of the Commissioners, they shall pay the same to the Overseers in aid of the Rate for the Relief of the Poor of the Parish.

Monies raised, and the Income arising from Baths, &c. in the Parish, to be applied towards defraying Expenses.

XIX. And be it enacted, That the Vestries of any Two or more neighbouring Parishes which shall have respectively adopted this

Vestries of Two or more Parishes may

concur in carrying this Act into execution, subject to the Approval of Secretary of State.

Act may concur in carrying this Act into execution in such Parishes in such Manner not inconsistent with the Provisions of this Act, and for such Time, as they shall mutually agree; and for that Purpose it may, with the Approval of such Secretary of State, be agreed on between such Vestries that any public Baths and Wash-houses and open Bathing Places shall be erected and made in any One of such Parishes, to be vested in the Commissioners thereof, and that the Expenses of carrying this Act into execution with reference to the same shall be borne by such Parishes in such Proportions as such Vestries shall mutually agree, and the Proportion for each of such Parishes of such Expenses shall be chargeable upon and paid out of the Monies to be raised for the Relief of the Poor of the same respective Parish accordingly; and, according and subject to the Terms which shall have been so agreed on, the Commissioners appointed for each of such Parishes shall, in the Management of the said Baths and Wash-houses and open Bathing Places, form One Body of Commissioners, and shall act accordingly in the Execution of this Act, and the Accounts and Vouchers of such Commissioners shall be examined and reported on by the Auditors of each of such Parishes; and the surplus Money at the Disposal as aforesaid of such Commissioners shall be paid to the Overseers of such Parishes respectively in the same Proportions as those in which such Parishes shall be liable to such Expenses.

Incorporation of Commissioners.

XX. And for the more easy Execution of the Purposes of this Act, be it enacted, That the Commissioners of every such Parish shall be a Body Corporate, with perpetual Succession, which shall not be deemed to be interrupted by any partial or total Vacancy from Time to Time in their Office, by the Name of "The Commissioners for public Baths and Wash-houses in the Parish of ( ) in the County of ( )," and by that Name may sue and be sued in all Courts, and before all Justices and others, and may have and use a Common Seal, and by that Name may take, hold, and convey any Lands vested in them for the Purposes of this Act.

Councils, &c. may borrow Money for the Purposes of the Act, with the Approval of the Treasury.

XXI. And be it enacted, That for carrying this Act into execution in any Borough or Parish respectively, the Council, with the Approval of the Commissioners of Her Majesty's Treasury, and the Commissioners, with the Sanction of the Vestry, and also with the Approval of the Commissioners of Her Majesty's Treasury, may from Time to Time borrow at Interest, on the Security of a Mortgage, as the Case may be, of the Borough Fund, or of the Rates for the Relief of the Poor of the Parish, the Money which may be by them respectively required, and shall apply the Monies so borrowed accordingly.

The Public Works Loan Commissioners may advance Money for the Purposes of this Act.

XXII. And be it enacted, That the Commissioners for carrying into execution an Act passed in the Second Session of the Fifth Year of the Reign of Her Majesty, intituled *An Act to authorize the Advance of Money out of the Consolidated Fund to a limited Amount for carrying on Public Works and Fisheries and Employment of the Poor, and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes*, may from Time to Time make to the Council of any such Borough, or Commissioners of any such Parish respectively,



tively, for the Purposes of this Act, any Loan under the Provisions of the recited Act or the several Acts therein recited or referred to, upon Security of the Borough Fund, or the Rates for the Relief of the Poor of the Parish, as the Case may be.

XXIII. And be it enacted, That the Provisions of the Companies Clauses Consolidation Act, 1845, with respect to the borrowing of Money by any Company on Mortgage, and the Provisions of the same Act with respect to the Accountability of the Officers of the Company, and the Provisions of the same Act with respect to the making of Bye Laws, subject to the Provision herein-after contained, and the Provisions of the same Act with respect to the Recovery of Damages not specially provided for, and Penalties, so far as such Provisions may respectively be applicable to the Purposes of this Act, shall be respectively incorporated with this Act; and the Expressions in such Provisions applicable to the Company and the Directors shall apply as regards a Borough to the Council, and as regards a Parish to the Commissioners; and all Deeds and Writings which under such Provisions are required or directed to be made or executed under the Common Seal of the Company shall in the Application of such Provisions to this Act be deemed to be required or directed to be made or executed as regards a Borough under the Common Seal of the Mayor, Aldermen, and Burgesses, and as regards a Parish under the Common Seal of the Commissioners; and so much of such Provisions as are applicable to the "Secretary of the Company" shall apply to the Clerk; and in such of the said Provisions as relate to the Inspection of Accounts as regards a Borough the Burgesses, and as regards a Parish the Rate-payers, shall have the Privileges of Shareholders.

8 & 9 Vict.  
c. 16. incor-  
porated with  
this Act for  
certain Pur-  
poses.

XXIV. And be it enacted, That in any such Borough the Council, with the Approval of the Commissioners of Her Majesty's Treasury, may from Time to Time appropriate for the Purposes of this Act in the Borough any Lands vested in the Mayor, Aldermen, and Burgesses; and in any such Parish the Commissioners appointed under this Act, with the Approval of the Vestry and of the Guardians of the Poor of the Parish (if any), and of the Poor Law Commissioners for *England* and *Wales*, may from Time to Time appropriate for the Purposes of this Act in the Parish any Lands vested in such Guardians, or in the Churchwardens, or in the Churchwardens and Overseers of the Parish, or in any Feoffees, Trustees, or others, for the general Benefit of the Parish; and in any such Parish the Commissioners, with the Approval of the Vestry, and in any such Borough the Council, may from Time to Time contract for the purchasing or renting of any Lands necessary for the Purposes of this Act, and the Property therein shall be vested in the Mayor, Aldermen, and Burgesses in the Case of a Borough, or in the Commissioners in the Case of a Parish.

Council may  
appropriate,  
with Consen-  
t of the Treas-  
ury, Lands  
vested in the  
Mayor, &c.

Commission-  
ers may, with  
Approval of  
Vestry, &c.,  
appropriate  
Lands be-  
longing to  
Parish;

or contract  
for Purchase  
of the same.

XXV. And be it enacted, That the Council and Commissioners respectively may from Time to Time, on any Lands so appropriated, purchased, or rented, or contracted so to be respectively, erect any Buildings suitable for public Baths and Wash-houses, and as to such Wash-

Councils and  
Commission-  
ers may  
erect, &c.  
public Baths

and Wash-houses and open Bathing Places.

Wash-houses either with or without open Drying Grounds, and make any open Bathing Places, and convert any Buildings into public Baths and Wash-houses, and may from Time to Time alter, enlarge, repair, and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite Furniture, Fittings, and Conveniences.

Councils and Commissioners may enter into Contracts for the Purposes of this Act.

XXVI. And be it enacted, That the Council and Commissioners respectively may from Time to Time enter into any Contract with any Persons or Companies for building and making, and for altering, enlarging, repairing, and improving, such public Baths and Wash-houses and open Bathing Places and for supplying the same respectively with Water, and for lighting the same respectively, and for fitting up the same respectively, and for furnishing any Materials and Things, and for executing and doing any other Works and Things necessary for the Purposes of this Act; which Contracts respectively shall specify the several Works and Things to be executed, furnished, and done, and the Prices to be paid for the same, and the Times when the Works and Things are to be executed, furnished, and done, and the Penalties to be suffered in Cases of Non-performance; and all such Contracts, or true Copies thereof, shall be entered in Books to be kept for that Purpose: Provided always, that no Contract above the Value or Sum of One hundred Pounds shall be entered into by the Council or the Commissioners, for the Purposes of this Act, unless previous to the making thereof Fourteen Days Notice shall be given in One or more of the public Newspapers published in the County in which the Borough or Parish shall be situated, expressing the Intention of entering into such Contract, in order that any Person willing to undertake the same may make Proposals for that Purpose, to be offered to the Council or Commissioners at a certain Time and Place in such Notice to be mentioned, but it shall not be incumbent on the Council or Commissioners to contract with the Person offering the lowest Price.

No Contract above 100*l.* to be entered into without Notice.

Council or Commissioners may purchase existing Baths, &c.

XXVII. And be it enacted, That the Council of any such Borough, and the Commissioners, with the Approval of the Vestry of any such Parish, may, if they shall think fit, contract for the Purchase or Lease of any Baths and Wash-houses already or hereafter to be built and provided in any such Borough or Parish, and appropriate the same to the Purposes of this Act, with such Additions or Alterations as they shall respectively deem necessary; and the Trustees of any public Baths and Wash-houses which have been already or may hereafter be built or provided in any such Borough or Parish by private Subscriptions or otherwise may, with the Consent of the Council of any such Borough, or with the Consent of the Commissioners, and Approval of the Vestry of any such Parish, and with the Consent of a Majority of the Committee or other Persons by whom they were appointed Trustees, sell or lease the said Baths and Wash-houses to the said Council or Commissioners respectively, or make over to them the Management of such Baths and Wash-houses; and in all such Cases the Baths and Wash-houses so purchased or leased, or of which the Management has been so made over, shall be deemed to be within the Provisions of this Act as fully as if they had been built or provided by the said Council or Commissioners; and the Property therein shall

shall be vested in the Mayor, Aldermen, and Burgesses in the Case of a Borough, or in the Commissioners in the Case of a Parish.

XXVIII. And be it enacted, That any Commissioners of Waterworks, Trustees of Waterworks, Water Companies, Canal Companies, Gas Companies, and other Corporations, Bodies, and Persons having the Management of any Waterworks, Canals, Reservoirs, Wells, Springs, and Streams of Water, and Gas Works respectively, may in their Discretion grant and furnish Supplies of Water or Gas for such public Baths and Wash-houses and open Bathing Places either without Charge or on such other favourable Terms as they shall think fit.

Power to Water and Gas Companies to supply Water and Gas to Baths, &c.

XXIX. And be it enacted, That nothing in this Act contained shall render any Member of the Council of any Borough, or any Commissioner, personally, or any of their Lands, Goods, Chattels, or Monies (other than such Lands, Goods, Chattels, or Monies as may be vested in or under the Management or Control of the Council or Commissioners respectively in pursuance of this Act), liable to the Payment of any Sum of Money as or by way of Compensation or Satisfaction for or in respect of any thing done or suffered in due pursuance of this Act.

Councillors and Commissioners not to be personally liable.

XXX. And be it enacted, That every Person who shall feel aggrieved by any Bye Law, Order, Direction, or Appointment of or by the Council or Commissioners shall have the like Power of Appeal to the General Quarter Sessions as under the Provisions of the Companies Clauses Consolidation Act, 1845, incorporated with this Act, he might have if feeling aggrieved by any Determination of any Justice with respect to any Penalty.

Persons may appeal against Orders of Councils and Commissioners.

XXXI. And be it enacted, That the Council, with the Approval of the Commissioners of Her Majesty's Treasury, and the Commissioners appointed under this Act, with the Approval of the Vestry, and of the Commissioners of Her Majesty's Treasury respectively, may from Time to Time make Sale and dispose of any Lands vested in the Mayor, Aldermen, and Burgesses, or in the Commissioners respectively for the Purposes of this Act, and apply the Proceeds in or towards the Purchase of other Lands better adapted for such Purposes, and may, with the like Approval, exchange any Lands so vested, and either with or without paying or receiving any Money for Equality of Exchange, for any other Lands better adapted for such Purposes, and the Mayor, Aldermen, and Burgesses, or the Commissioners, may convey the Lands so sold or exchanged accordingly.

Council, &c. empowered to make Sale and Exchange of Lands, with Consent.

XXXII. And be it enacted, That whenever any Public Baths or Wash-houses or open Bathing Places which shall have been for Seven Years or upwards established under the Authority of this Act shall be determined by the Council or by the Vestry, in accordance with a previous Recommendation of the Commissioners, to be unnecessary or too expensive to be kept up, the Council or Commissioners, with the Approval of the Commissioners of Her Majesty's Treasury, may sell the same for the best Price that can reasonably be obtained for

When Baths, &c. are considered too expensive they may, with Approval of Treasury, be sold, and Proceeds



of Sale carried to Borough Fund or Poor's Rate.

the same, and the Mayor, Aldermen, and Burgesses, or the Commissioners, shall convey the same accordingly; and the Purchase Money shall be paid to such Person as the Council or Commissioners shall appoint, and his Receipt shall be a sufficient Discharge for the same; and the net Proceeds of such Sale shall be paid to the Credit of the Borough Fund, or of the Rate for the Relief of the Poor of the Parish.

Management to be vested in Councils and Parish Commissioners.

XXXIII. And be it enacted, That the general Management, Regulation, and Control of the Public Baths and Wash-houses and open Bathing Places established under this Act shall, subject to the Provisions of this Act, be as to any Borough vested in and exercised by the Council, and as to any Parish vested in and exercised by the Commissioners.

Council, &c. may make Bye Laws for regulating the Use of Baths and Wash-houses, &c., and Charges thereat.

XXXIV. And be it enacted, That the Bye Laws which the Council and Commissioners respectively may from Time to Time make, alter, repeal, and enforce shall include such Bye Laws for the Management, Use, and Regulation of the Public Baths and Wash-houses and open Bathing Places, and of the Persons resorting thereto respectively, and for determining from Time to Time the Charges for the Use of such Baths and Wash-houses and open Bathing Places respectively, as the Council and Commissioners respectively shall think fit, and they respectively may appoint any Penalty not exceeding Five Pounds for any and every Breach, whether by their Officers or Servants, or by other Persons, of any Bye Law made by them respectively; and such Bye Laws shall make sufficient Provision for the several Purposes respectively expressed in the Schedule (A.) to this Act: Provided always, that no Bye Law made under the Authority of this Act shall be of any legal Force until the same shall have received the Approval of One of Her Majesty's Principal Secretaries of State.

Bye Laws to be approved by the Secretary of State.

Copies or Abstracts of Bye Laws to be hung up in every Bath Room, &c.

XXXV. And be it enacted, That a printed Copy or sufficient Abstract of the Bye Laws relating to the Use of the Baths and open Bathing Places respectively shall be put up in every Bath Room and open Bathing Place respectively; and a printed Copy or sufficient Abstract of the Bye Laws relating to the Use of the Wash-houses shall be put up in some convenient Place near every Washing Tub or Trough, or every Pair of Washing Tubs or Troughs, in every Wash-house.

Proportion of Baths for the labouring Classes.

XXXVI. And be it enacted, That the Number of Baths for the labouring Classes in any Building or Buildings under the Management of the same Council or Commissioners shall not be less than Twice the Number of the Baths of any higher Class if but One, or of all the Baths of any higher Classes if more than One, in the same Building or Buildings.

Charges to be fixed by Councils and Commissioners, not exceeding those in Schedule (B.)

XXXVII. And be it enacted, That the Council and the Commissioners respectively may from Time to Time make such reasonable Charges for the Use of the Baths and Wash-houses and open Bathing Places respectively provided under this Act as they shall think fit, but not exceeding such Charges as are mentioned in the Schedule (B.) annexed to this Act, unless for the Use of any Washing Tub or Trough

Trough for more than Two Hours in any one Day, for which any Charges may be made which the Council or Commissioners respectively shall deem reasonable.

XXXVIII. And be it enacted, That for the Recovery of the Charges at such Wash-houses the Officers, Servants, and others having the Management thereof may detain the Clothes brought to be washed or other Goods and Chattels of any Person refusing to pay the Charge to which such Person may be liable, or any Part thereof, till full Payment thereof be made, and in case such Payment be not made within Seven Days may sell such Clothes, Goods, and Chattels, or any of them, returning the surplus Proceeds of such Sale, after deducting the unpaid Charge and the Expenses of such Detention and Sale, and the unsold Articles, if any, on demand, to such Person.

As to Recovery of Charges at Wash-houses.

XXXIX. And be it enacted, That if any Clerk or other Officer, or any Servant who shall be in anywise employed by any Council or Commissioners in pursuance of this Act, shall exact or accept any Fee or Reward whatsoever for or on account of anything done or forborne or to be done or forborne in pursuance of this Act, or on any account whatsoever relative to putting this Act into execution, other than such Salaries, Wages, or Allowances as shall have been appointed by the Council or Commissioners, or shall in anywise be concerned or interested in any Bargain or Contract made by the Council or Commissioners for or on account of anything done or forborne or to be done or forborne in pursuance of this Act, or on any account whatsoever relative to the putting of this Act into execution, or if any Person during the Time he holds the Office of Member of the Council or Commissioner shall exact or accept any such Fee or Reward, or shall accept or hold any Office or Place of Trust created by virtue of this Act, or be concerned directly or indirectly in any such Bargain or Contract, every such Person so offending shall be incapable of ever serving or being employed under this Act, and shall for every such Offence also forfeit the Sum of Fifty Pounds.

Penalty for Council, Commissioners, or Officers taking Fees beyond Salaries, or being interested in Contracts.

XL. And be it enacted, That such Part of any Penalty recovered under this Act as shall not be awarded to the Informer shall be paid to the Credit as regards a Borough of the Borough Fund, and as regards a Parish of the Rate for the Relief of the Poor thereof.

Application of Penalties.

XLI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

## SCHEDULES referred to by the foregoing Act.

### SCHEDULE (A.)

*Bye Laws to be made in all Cases.*

For securing that the Baths and Wash-houses and open Bathing Places shall be under the due Management and Control of the Officers, Servants,



Servants, or others appointed or employed in that Behalf by the Council or Commissioners.

For securing adequate Privacy to Persons using the Baths and Wash-houses and open Bathing Places, and Security against Accidents to Persons using the open Bathing Places.

For securing that Men and Boys above Eight Years old shall bathe separately from Women and Girls and Children under Eight Years Old.

For preventing Damage, Disturbance, Interruption, and indecent and offensive Language and Behaviour, and Nuisances.

For determining the duties of the Officers, Servants, and others appointed by the Council or Commissioners.

In Parishes. For regulating the Procedure of the Commissioners.

### SCHEDULE (B.)

*Maximum Charges during the First Seven Years after the Establishments are opened for public Use; and after such Seven Years, except only so long after such Seven Years as higher Charges may be necessary for defraying the current Expenses of the Establishments.*

Baths for the labouring Classes, supplied with clean Water for every Bath, or for several Children bathing together:

For One Person above Eight Years old, including the Use of One clean Towel:

Cold Bath	-	-	-	-	One Penny.
Warm Bath	-	-	-	-	Two-pence.

For several Children, not exceeding Four, including the Use of One clean Towel for every Child:

Cold Bath	-	-	-	-	Two-pence.
Warm Bath	-	-	-	-	Four-pence.

Wash-houses for the labouring Classes, supplied with Conveniences for washing and drying Clothes and other Articles:

For the Use by One Person of One Washing Tub or Trough, or One Pair of Washing Tubs or Troughs:

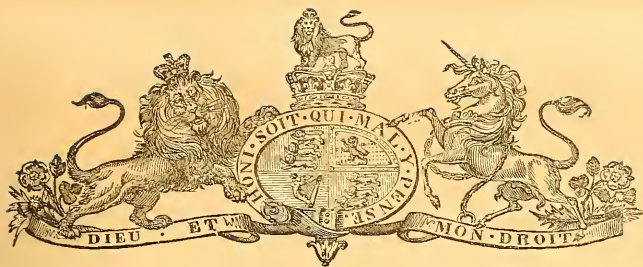
For One Hour only in any One Day - One Penny.

For Two consecutive Hours only in any One Day - Three-pence.

Such Charges to include the Use of the drying Apparatus for drying all the Articles washed. The Time occupied in drying not to be included in the Hour or Two Hours. A Fraction of an Hour, exceeding Five Minutes, to be reckoned One Hour.

Open Bathing Places, where several Persons bathe in the same Water:

For One Person - - - - One Halfpenny.



ANNO DECIMO & UNDECIMO

# VICTORIÆ REGINÆ.

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## C A P. LXI.

An Act to amend the Act for the Establishment of public Baths and Wash-houses. [2d July 1847.]

**W**HEREAS an Act was passed in the last Session of Parliament, intituled *An Act to encourage the Establishment of public Baths and Wash-houses*: And whereas it is expedient to afford additional Facilities for the Establishment of public Baths and Wash-houses and open Bathing Places; be it enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the recited Act, as amended by this Act, and this Act shall be construed and be carried into execution as One Act.

9 & 10 Vict.  
c. 74.

Recited Act  
and this Act  
to be construed  
as  
One.

II. And be it enacted and declared, That the following Words and Expressions in the recited Act shall have in the said Act and this Act the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Interpretation  
of Expressions  
in  
recited Act  
and this Act.

"Parish" shall mean not only every Place having separate Overseers of the Poor and separately maintaining its own Poor, but also every Place maintaining its own Poor and having a Vestry:

"Rate-payers" shall mean all Persons for the Time being assessed to and paying Rates for the Relief of the Poor of the Parish:

S E

"Vestry"

"Vestry" shall mean not only a Vestry as defined in the said Act, but also any Body of Persons, by whatever Name distinguished, acting by virtue of any Act of Parliament, Prescription, Custom, or otherwise as or instead of a Vestry or Select Vestry.

Acts of Commissioners of Public Baths, &c. to be valid, notwithstanding Informalities.

III. And be it enacted, That when any Person shall have been appointed to the Office of Commissioners of Public Baths and Wash-houses for any Parish before the passing of this Act, the recited Act shall be deemed to have been duly adopted for such Parish notwithstanding that there may have been any Defect or Irregularity in or in any way concerning such Adoption; and all Acts and Proceedings of any Person in possession of the Office of such Commissioner, and acting in good Faith as such Commissioner, whether appointed before or after the passing of this Act, shall, notwithstanding his Disqualification or Want of Qualification for or any Defect or Irregularity in or in any way concerning his Appointment to such Office, be as valid and effectual as if he were duly qualified or there had not been any such Defect or Irregularity.

Incorporation of 8 & 9 Vict. c. 18. Council, &c. not to take Lands, &c. Proportion of Washing Accommodation for Labouring Classes.

IV. And be it enacted, That the Lands Clauses Consolidation Act, 1845, shall be incorporated with the recited Act and this Act: Provided always, that the Council and Commissioners respectively shall not purchase or take any Lands otherwise than by Agreement.

V. And be it enacted, That the Number of Washing Tubs or Troughs for the Labouring Classes in any Building or Buildings under the Management of the same Council or Commissioners shall not be less than Twice the Number of the Washing Tubs or Troughs of any higher Class, if but One, or of all the higher Classes if more than One, in the same Building or Buildings.

So much of recited Act as regulates Charges for Use of Baths, &c. repealed.

VI. And be it enacted, That so much of the recited Act as enacts that the Council and Commissioners respectively may make such reasonable Charges for the Use of the Baths and Wash-houses and open Bathing Places as they think fit, not exceeding such Charges as are mentioned in the Schedule (B.) to that Act, shall be repealed.

Power to make Charges for Use of Baths, &c. not exceeding those in the Schedule.

VII. And be it enacted, That the Council and the Commissioners respectively may from Time to Time make such reasonable Charges for the Use of the Baths and Wash-houses and open Bathing Places provided under the recited Act and this Act respectively as they think fit, not exceeding the Charges mentioned in the Schedule annexed to this Act.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

## SCHEDULE to which this Act refers.

*Charges for the Baths and Wash-houses and open Bathing Places.*

## 1. BATHS FOR THE LABOURING CLASSES.

Every Bath to be supplied with clean Water for every Person bathing alone, or for several Children bathing together, and in either Case with One clean Towel for every Bather.

For One Person above Eight Years old :

Cold Bath, or cold Shower Bath, any Sum not exceeding - - - - - One Penny.

Warm Bath, or warm Shower Bath, or Vapour Bath, any Sum not exceeding - - - - - Two-pence.

For several Children, not above Eight Years old, nor exceeding Four, bathing together :

Cold Bath, or cold Shower Bath, any Sum not exceeding - - - - - Two-pence.

Warm Bath, or warm Shower Bath, or Vapour Bath, any Sum not exceeding - - - - - Four-pence.

## 2. BATHS OF ANY HIGHER CLASS.

Such Charges as the Council and the Commissioners respectively think fit, not exceeding in any Case Three Times the Charges above mentioned for the several Kinds of Baths for the Labouring Classes.

## 3. WASH-HOUSES FOR THE LABOURING CLASSES.

Every Wash-house to be supplied with Conveniences for washing and drying Clothes and other Articles.

For the Use by One Person of One Washing Tub or Trough, and of a Copper or Boiler (if any), or, where One of the Washing Tubs or Troughs shall be used as a Copper or Boiler, for the Use of One Pair of Washing Tubs or Troughs, and for the Use of the Conveniences for drying :

For One Hour only in any One Day, any Sum not exceeding - - - - - One Penny.

For Two Hours together, in any One Day, any Sum not exceeding - - - - - Three-pence.

Any Time over the Hour or Two Hours respectively, if not exceeding Five Minutes, not to be reckoned.

For Two Hours not together, or for more than Two Hours in any One Day, such Charges as the Council and the Commissioners respectively think fit.

For

For the Use of the washing Conveniences alone, or of the drying Conveniences alone, such Charges as the Council and the Commissioners respectively think fit, but not exceeding in either Case the Charges for the Use for the same Time of both the washing and the drying Conveniences.

4. WASH-HOUSES OF ANY HIGHER CLASS.

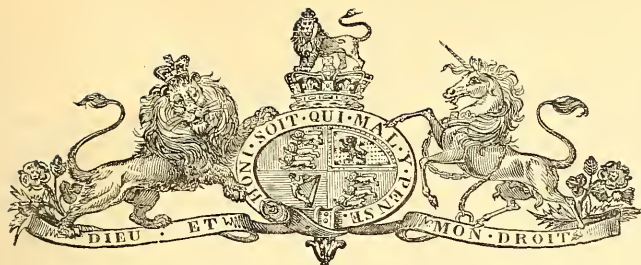
Such Charges as the Council and the Commissioners respectively think fit.

5. OPEN BATHING PLACES, where several Persons bathe in the same Water, for One Person One Halfpenny.

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ANNO DECIMO OCTAVO & DECIMO NONO

# VICTORIÆ REGINÆ.

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C A P. CXXI.

An Act to consolidate and amend the Nuisances  
Removal and Diseases Prevention Acts, 1848  
and 1849. [14th August 1855.]

**W**HEREAS the Provisions of "The Nuisances Removal and Diseases Prevention Act, 1848," amended by "The Nuisances Removal and Diseases Prevention Amendment Act, 1849," are defective, and it is expedient to repeal the said Acts as far as relates to *England*, and to substitute other Provisions more effectual in that Behalf: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

11 & 12 Vict.  
c. 123.  
12 & 13 Vict.  
c. 111.

I. From and after the passing of this Act, the said Acts are by this Section repealed, as far as relates to *England*: Provided always, that all Proceedings commenced or taken under the said Acts, and not yet completed, may be proceeded with under the said Acts; and all Contracts or Works undertaken by virtue of the said Acts shall continue and be as effectual as if the said Acts had not been repealed.

Recited Acts  
repealed as  
far as relates  
to *England*,  
except as to  
Proceedings  
commenced.

*Nuisances Removal and Diseases Prevention Acts  
Consolidation and Amendment.*

Interpreta-  
tion of cer-  
tain Terms  
used in this  
Act.

II. In this Act the following Words and Expressions have the Meanings by this Section herein-after assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,) the Word "Place" includes any City, Borough, District under the Public Health Act, Parish, Township, or Hamlet, or Part of any such City, Borough, District, Town, Parish, Township, or Hamlet; the Word "Guardians" includes the Directors, Wardens, Overseers, Governors, or other like Officers having the Management of the Poor for any Parish or Place where the Matter or any Part of the Matter requiring the Cognizance of any such Officer arises; the Word "Borough," and the Expressions "Mayor, Aldermen, and Burgesses," "Council," and "Borough Fund," have respectively the same Meaning as in the Acts for the Regulation of Municipal Corporations, and shall also respectively mean, include, and apply to any Royal Borough, Royal Town, or other Town having a Warden, High Bailiff, Borough Reeve, or other Chief Officer, and Burgesses or Inhabitants, however designated, associated with him in the Government or Management thereof, or any Town or Place having a Governing Body therein in the Nature of a Corporation or otherwise, and to the Chief Officers and Governing Bodies of such Boroughs, Towns, and Places, and to the Funds and Property under the Management of or at the Disposal of such Chief Officers and Governing Bodies; the Expression "Improvement Act" means an Act for regulating and managing the Police of, and for draining, cleansing, paving, lighting, watching, and improving a Place, and an Act for any of those Purposes; the Word "Owner" includes any Person receiving the Rents of the Property in respect of which that Word is used from the Occupier of such Property on his own Account, or as Trustee or Agent for any other Person, or as Receiver or Sequestrator appointed by the Court of Chancery or under any Order thereof, or who would receive the same if such Property were let to a Tenant; the Word "Premises" extends to all Messuages, Lands, or Tenements, whether open or inclosed, whether built on or not, and whether public or private; the Word "Parish" includes every Township or Place separately maintaining its Poor, or separately maintaining its own Highways; the Expression "Quarter Sessions" means the Court of General or Quarter Sessions of the Peace for a County, Riding, or Division of a County, City, or Borough; the Word "Person," and Words applying to any Person or Individual, apply to and include Corporations, whether aggregate or sole; and the Expression "Two Justices" shall, in addition to its ordinary Signification, mean One Stipendiary or Police Magistrate acting in any Police Court for the District.

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## PART I.

And with respect to the Constitution of the Local Authority for the Execution of this Act, the Expenses of its Execution, the Description of Nuisances that may be dealt with under it, and the Powers of Entry for the Purposes of the Act, be it enacted thus :

III. The following Bodies shall respectively be the Local Authority to execute this Act in the Districts hereunder stated in *England* :

In any Place within which the Public Health Act is or sha'll be in force, the Local Board of Health :

In any other Place wherein a Council exists or shall exist, the Mayor, Aldermen, and Burgesses by the Council, except in the City of *London* and the Liberties thereof, where the Local Authority shall be the Commissioners of Sewers for the Time being ; and except in the City of *Oxford* and Borough of *Cambridge*, where the Local Authority shall be the Commissioners acting in execution of the Local Improvement Acts in force respectively in the said City and Borough :

In any Place in which there is no Local Board of Health or Council, and where there are or shall be Trustees or Commissioners under an Improvement Act, such Trustees or Commissioners :

In any Place within which there is no such Local Board of Health nor Council, Body of Trustees, or Commissioners, and where there is or shall be a Board for the Repair of the Highways of such Place, that Board :

In any Place where there is no such Local Board of Health, Council, Body of Trustees, or Commissioners, nor Highway Board, a Committee for carrying this Act into execution, by the Name of "The Nuisances Removal Committee," of which the Surveyor or Surveyors of Highways for the Time being of such Place shall be *ex officio* a Member or Members, may be annually chosen by the Vestry on the same Day as the Overseers or Surveyors of Highways, and the first of such Committees may be chosen at a Vestry to be specially held for that Purpose ; and such Committee may consist of such Number of Members as the Vestry shall determine, not being more than Twelve, exclusive of such Surveyor or Surveyors, and of such Committee Three shall be a Quorum :

In any Place wherein there is no such Local Board of Health, Council, Body of Trustees or Commissioners, Highway Board

or

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Places as  
herein  
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or Committee appointed as aforesaid, and wherein there is or shall be a Board of Inspectors for Lighting and Watching under the Act 3 & 4 W. 4. c. 90., that Board with the Surveyor of Highways :

In any Place in which there is no such Local Board of Health, Council, Body of Trustees, or Commissioners, nor Highway Board, nor Committee appointed as aforesaid, nor Board of Inspectors for Lighting and Watching, the Guardians and Overseers of the Poor and the Surveyors of the Highways in and for such Place.

As to filling  
up Vacan-  
cies.

IV. On any Vacancy in such Nuisances Removal Committee arising from Death, Change of Residence or otherwise, Notice shall be given by the Committee to the Churchwardens, who shall forthwith summon a Meeting of the Vestry, and fill up such Vacancy by Election : and until such Vacancy is filled up the remaining Members of the Committee may act in all respects as if their Number was complete.

Power to  
Local Authority  
to  
appoint  
Committees.

V. The Local Authority may appoint any Committee of their own Body to receive Notices, take Proceedings, and in all or certain specified respects execute this Act, whereof Two shall be a Quorum : and such Local Authority, or their Committee, may, in each particular Case, by Order in Writing under the Hand of the Chairman of such Body or Committee, empower any Officer or Person to make Complaints and take Proceedings on their Behalf.

As to the  
Execution of  
this Act in  
Extra-paro-  
chial Places.

VI. In Extra-parochial Places not comprised within the Jurisdiction of any of the Local Authorities aforesaid, and having a Population of not less than Two hundred Persons, the Local Authority for the Execution of this Act shall be a Nuisances Removal Committee, elected annually by the Householdors within the Extra-parochial Place :

The First Election of such Committee shall take place at a Meeting of such Householdors summoned for that Purpose by the Churchwardens of the adjacent Place having the largest common Boundary with such Extra-parochial Place ; and

Subsequent Elections shall be held annually on some Day in *Easter* Week at Meetings summoned by the Chairman of the Local Authority for the Year preceding :

Extra-parochial Places not so comprised as aforesaid, and having a Population of less than Two hundred Persons, shall for the Purpose



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Purpose of this Act be attached to and form Part of the adjacent Place having the largest common Boundary with the Extra-parochial Place, and Notice of Vestry Meetings for the Election of a Local Authority under and for the Purposes of this Act shall be given in such Extra-parochial Places, and the Householders within such Places may attend such Vestry Meetings, and vote on such Elections.

VII. All Charges and Expenses incurred by the Local Authority in executing this Act, and not recovered, as by this Act provided, may be defrayed as follows; to wit,

As to defraying Expenses of executing this Act.

Out of General District Rates, where the Local Authority is a Local Board of Health;

Out of the Borough Fund or Borough Rate, where the Local Authority is the Mayor, Aldermen, and Burgesses by the Council, or if there be an Improvement Act for the Borough administered by the Council, then out of Rates levied thereunder applicable to the Purposes of such Improvement Act; or in the City of *London* and the Liberties thereof, any Rates or Funds administered by the Commissioners of Sewers for the said City and Liberties;

Provided always, that in the City of *Oxford* and Borough of *Cambridge* such Expenses shall be deemed annual Charges and Expenses of cleansing the Streets of the said City and Borough respectively, and shall be so payable;

Out of the Rates levied for Purposes of Improvement under any Improvement Act, where the Local Authority is a Body of Trustees or Commissioners acting in execution of the Powers of such an Act;

Out of Highway Rates, or any Fund applicable in aid or in lieu thereof, where the Local Authority is a Highway Board, or a Nuisances Removal Committee;

Out of the Rates for Lighting and Watching, where the Local Authority is a Board of Inspectors appointed for Lighting and Watching;

And if there be no such Rates or Funds, or if the Local Authority be the Guardians and Surveyors of Highways, then out of the Rates or Funds applicable to the Relief of the Poor of the Parish or Place wherein such Rates or Funds are collected or arise, if such Parish or Place be co-extensive with the District within which the Charges and Expenses are incurred, but if such Parish or Place be now or hereafter shall be partly comprised within and

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partly



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partly without the Limits of a Place where a Local Authority, other than a Highway Board, Nuisance Removal Committee, Inspectors of Watching and Lighting, and Surveyors or Guardians and Surveyors, exists or shall exist, all the Charges and Expenses incurred in the District comprising that Part of the Parish or Place which is excluded from such Limits shall be defrayed out of any Highway Rate or Rates, or any Funds applicable in lieu thereof, collected or raised within the Part so excluded: and if there be more than One Highway Rate collected within such District, the Local Authority shall settle the Proportion in which the respective Parties or Places liable thereto shall bear such Charges and Expenses; and if any Portion of such excluded Part be exempt from such Highway Rate or Rates, then all the Charges and Expenses incurred in the whole of such excluded Part shall be defrayed out of any District Police Rate or other Rate which may by the Act 12 & 13 Vict. Cap. 65. be raised and assessed upon such excluded Part:

And when the Local Authority has not Control of such Rates or Funds, the Officer or Person having the Custody or Control thereof shall pay over the Amount to the Local Authority, on the Order of Two Justices, directed to such Officer or Person; and on Neglect or Refusal to pay the Sum specified in such Order for Six Days after the Service thereof, the same may, by Warrant under the Hands of the same or any Two Justices, be levied by Distress and Sale of the Goods and Chattels of the Officer or Person in default, and such Levy shall include the Costs of such Distress and Sale:

In Extra-parochial Places having a Population of not less than Two hundred Persons, out of a Rate assessed by the Local Authority on all such Property in the Place as would be assessable to Highway Rate if such Rate were levied therein:

In Extra-parochial Places having a Population of less than Two hundred Persons, out of a similar Rate assessed by the Surveyor of Highways of the adjacent Place having the largest common Boundary with such Extra-parochial Place:

And the Local Authority in the First Case, and the Surveyor of Highways in the Second, may levy and collect the Sums so assessed, in the same Manner, and with the same Remedies in case of any Default in Payment thereof, and with the same Right of Appeal against the Amount of such Assessment reserved to the Person assessed, as are provided by the Law in force for the Time being with regard to Rates for the Repair of Highways.

VIII. The

*Nuisances Removal and Diseases Prevention Acts  
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VIII. The Word "Nuisances" under this Act shall include—

Any Premises in such a State as to be a Nuisance or injurious to Health :

Any Pool, Ditch, Gutter, Watercourse, Privy, Urinal, Cesspool, Drain, or Ashpit so foul as to be a Nuisance or injurious to Health :

Any Animal so kept as to be a Nuisance or injurious to Health :

Any Accumulation or Deposit which is a Nuisance or injurious to Health :

Provided always, that no such Accumulation or Deposit as shall be necessary for the effectual carrying on of any Business or Manufacture shall be punishable as a Nuisance under this Section, when it is proved to the Satisfaction of the Justices that the Accumulation or Deposit has not been kept longer then is necessary for the Purposes of such Business or Manufacture, and that the best available Means have been taken for protecting the Public from Injury to Health thereby.

IX. The Local Authority shall, for the Purposes of this Act, appoint or employ, or join with other Local Authorities in appointing or employing, a Sanitary Inspector or Inspectors, and may appoint a convenient Place for his or their Office, and may allow to every such Person on account of his Employment a proper Salary or Allowance; and where Local Authorities join in such Appointment or Employment they may apportion among themselves the Payment of such Salary or Allowance: Provided always, that where the Local Authority has already appointed an Officer who executes the Duties of such Inspector under any Improvement Act, it shall not be necessary to appoint any other Inspector under this Act, but the Inspector acting in execution of the Improvement Act shall have all the Powers, Authorities, and Privileges granted to any Inspector appointed under this Act.

What are  
deemed Nuisances under  
this Act.

Power to  
Local Authority to appoint  
a Sanitary  
Inspector,  
and allow  
him a proper  
Salary.

X. Notice of Nuisance may be given to the Local Authority by any Person aggrieved thereby, or by any of the following Persons; the Sanitary Inspector or any paid Officer under the said Local Authority; Two or more Inhabitant Householders of the Parish or Place to which the Notice relates; the Relieving Officer of the Union or Parish; any Constable or any Officer of the Constabulary or Police Force of the District or Place; and in case the Premises be a Common Lodging House, any Person appointed for the Inspection of Common Lodging Houses; and the Local Authority may take Cognizance of any such Nuisance after Entry made as herein-after provided, or in conformity with any Improvement Act under which the Inspector has been appointed.

Notice of  
Nuisances to  
be given to  
Local Authority,  
&c. to  
ground Pro-  
ceedings.

XI. The

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Power of  
Entry to  
Local Authority or their  
Officer.

XI. The Local Authority shall have Power of Entry for the following Purposes of this Act, and under the following Conditions:—

1. To ground Proceedings.

For this Purpose, when they or any of their Officers have reasonable Grounds for believing that a Nuisance exists on any private Premises, Demand may be made by them or their Officer, on any Person having Custody of the Premises, of Admission to inspect the same, at any Hour between Nine in the Morning and Six in the Evening; and if Admission be not granted, any Justice having Jurisdiction in the Place may, on Oath made before him of Belief in the Existence of the Nuisance, and after reasonable Notice of the intended Application to such Justice being given in Writing to the Party on whose Premises the Nuisance is believed to exist, by Order under his Hand require the Person having the Custody of the Premises to admit the Local Authority or their Officer; and if no Person having Custody of the Premises can be discovered, any such Justice may and shall, on Oath made before him of Belief in the Existence of such Nuisance, and of the Fact that no Person having Custody of the Premises can be discovered, by Order under his Hand authorize the Local Authority or their Officers to enter the Premises between the Hours aforesaid.

2. To examine Premises where Nuisances exist, to ascertain the Course of Drains, and to execute or inspect Works ordered by Justices to be done under this Act.

For these Purposes, whenever, under the Provisions of this Act, a Nuisance has been ascertained to exist, or when an Order of Abatement or Prohibition under this Act has been made, or when it becomes necessary to ascertain the Course of a Drain, the Local Authority may enter on the Premises, by themselves or their Officers, between the Hours aforesaid, until the Nuisance shall have been abated, or the Course of the Drain shall have been ascertained, or the Works ordered to be done shall have been completed, as the Case may be.

3. To remove or abate a Nuisance in case of Noncompliance with or Infringement of the Order of Justices, or to inspect or examine any Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, Vegetables, Corn, Bread, or Flour, under the Powers and for the Purposes of this Act.

For this Purpose the Local Authority or their Officer may from Time to Time enter the Premises where the Nuisance exists, or the Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, Vegetables, Corn, Bread, or Flour is found, at all reasonable Hours, or at all Hours during which Business is carried on on such Premises, without Notice.

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## PART II.

With regard to the Removal of Nuisances, be it enacted thus :

XII. In any Case where a Nuisance is so ascertained by the Local Authority to exist, or where the Nuisance in their Opinion did exist at the Time when the Notice was given, and, although the same may have been since removed or discontinued, is in their Opinion likely to recur or to be repeated on the same Premises or any Part thereof, they shall cause Complaint thereof to be made before a Justice of the Peace; and such Justice shall thereupon issue a Summons requiring the Person by whose Act, Default, Permission, or Sufferance the Nuisance arises or continues, or if such Person cannot be found or ascertained, the Owner or Occupier of the Premises on which the Nuisance arises, to appear before any Two Justices, in Petty Sessions assembled at their usual Place of Meeting, who shall proceed to inquire into the said Complaint; and if it be proved to their Satisfaction that the Nuisance exists, or did exist at the Time when the Notice was given, or, if removed or discontinued since the Notice was given, that it is likely to recur or to be repeated, the Justices shall make an Order in Writing under their Hands and Seals on such Person, Owner, or Occupier for the Abatement or Discontinuance and Prohibition of the Nuisance as herein-after mentioned, and shall also make an Order for the Payment of all Costs incurred up to the Time of hearing or making the Order for Abatement or Discontinuance or Prohibition of the Nuisance.

XIII. By their Order the Justices may require the Person on whom it is made to provide sufficient Privy Accommodation, Means of Drainage or Ventilation, or to make safe and habitable, or to pave, cleanse, whitewash, disinfect, or purify the Premises which are a Nuisance or injurious to Health, or such Part thereof as the Justices may direct in their Order, or to drain, empty, cleanse, fill up, amend, or remove the injurious Pool, Ditch, Gutter, Waterecourse, Privy, Urinal, Cesspool, Drain, or Ashpit which is a Nuisance or injurious to Health, or to provide a Substitute for that complained of, or to carry away the Accumulation or Deposit which is a Nuisance or injurious to Health, or to provide for the cleanly and wholesome keeping of the Animal kept so as to be a Nuisance or injurious to Health, or if it be proved to the Justices to be impossible so to provide, then to remove the Animal, or any or all of these Things (according to the Nature of the Nuisance), or to do such other Works or Acts as are necessary to abate the Nuisance complained of, in such Manner and within such Time as in such Order shall

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*With regard to  
Removal  
of Nuisances.*

Proceedings  
by Local  
Authority  
before Jus-  
tices in the  
Case of  
Nuisances  
likely to  
recur, &c.

If proved to  
Justices that  
Nuisance  
exists, &c.,  
they shall  
issue Order  
for Abate-  
ment, &c.

Justices  
Order for  
Abatement.



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Removal  
of Nuisances.

Prohibitive  
Order against  
future Nui-  
sance.

be specified; and if the Justices are of opinion that such or the like Nuisance is likely to recur, the Justices may further prohibit the Recurrence of it, and direct the Works necessary to prevent such Recurrence, as the Case may in the Judgment of such Justices require; and if the Nuisance proved to exist be such as to render a House or Building, in the Judgment of the Justices, unfit for Human Habitation, they may prohibit the using thereof for that Purpose until it is rendered fit for that Purpose in the Judgment of the Justices, and on their being satisfied that it has been rendered fit for such Purpose they may determine their previous Order by another declaring such House habitable, from the Date of which other Order such House may be let or inhabited.

Penalty for  
Contraven-  
tion of Order  
of Abate-  
ment; and  
of Prohibi-  
tion.

Local Autho-  
rity may  
enter and  
remove or  
abate Nui-  
sance.

XIV. Any Person not obeying the said Order for Abatement shall, if he fail to satisfy the Justices that he has used all due Diligence to carry out such Order, be liable for every such Offence to a Penalty of not more than Ten Shillings *per* Day during his Default; and any Person knowingly and wilfully acting contrary to the said Order of Prohibition shall be liable for every such Offence to a Penalty not exceeding Twenty Shillings *per* Day during such contrary Action; and the Local Authority may, under the Powers of Entry given by this Act, enter the Premises to which the Order relates, and remove or abate the Nuisance condemned or prohibited, and do whatever may be necessary in execution of such Order, and charge the Cost to the Person on whom the Order is made as herein-after provided.

Appeal  
against  
Order of  
Prohibition.

Appeal  
against  
Order of  
Abatement  
when struc-  
tural Works  
are required.

XV. Any such Order of Prohibition may be appealed against as provided in this Act.

XVI. When it shall appear to the Justices that the Execution of structural Works is required for the Abatement of a Nuisance, they may direct such Works to be carried out under the Direction or with the Consent or Approval of any Public Board, Trustees, or Commissioners having Jurisdiction in the Place in respect of such Works; and if within Seven Days from the Date of the Order the Person on whom it is made shall have given Notice to the Local Authority of his Intention to appeal against it as provided in this Act, and shall have entered into Recognizances to try such Appeal as provided by this Act, and shall appeal accordingly, no Liability to Penalty shall arise, nor shall any Work be done nor Proceedings taken under such Order, until after the Determination of such Appeal, unless such Appeal cease to be prosecuted.

XVII. When-



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XVII. Whenever it appears to the Satisfaction of the Justices that the Person by whose Act or Default the Nuisance arises, or the Owner or Occupier of the Premises, is not known or cannot be found, then such Order may be addressed to and executed by such Local Authority, and the Cost defrayed out of the Rates or Funds applicable to the Execution of this Act.

If Person causing Nuisance cannot be found, Local Authority to execute Order at once.

XVIII. Any Matter or Thing removed by the Local Authority in pursuance of this Enactment may be sold by Public Auction, after not less than Five Days Notice by Posting Bills distributed in the Locality, unless in Cases where the Delay would be prejudicial to Health, when the Justices may direct the immediate Removal, Destruction, or Sale of the Matter or Thing; and the Money arising from the Sale retained by the Local Authority, and applied in Payment of all Expenses incurred under this Act with reference to such Nuisance, and the Surplus, if any, shall be paid, on Demand, by the Local Authority, to the Owner of such Matter or Thing.

Mannre, &c. to be sold.

XIX. All reasonable Costs and Expenses from Time to Time incurred in making a Complaint, or giving Notice or in obtaining an Order of Justices under this Act, or in carrying the same into effect under this Act, shall be deemed to be Money paid for the Use and at the Request of the Person on whom the Order is made; or if the Order be made on the Local Authority, or if no Order be made, but the Nuisance be proved to have existed when the Complaint was made or the Notice given, then of the Person by whose Act or Default the Nuisance was caused; and in case of Nuisances caused by the Act or Default of the Owner of Premises, the said Premises shall be and continue chargeable with such Costs and Expenses, and also with the Amount of any Penalties incurred under this Act, until the same be fully discharged, provided that such Costs and Expenses shall not exceed in the whole One Year's Rackrent of the Premises; and such Costs and Expenses and Penalties, together with the Charges of suing for the same, may be recovered in any County or Superior Court, or, if the Local Authority think fit, before any Two Justices of the Peace; and the said Justices shall have Power to divide such Costs, Expenses, and Penalties between the Persons by whose Act or Default the Nuisance arises, in such Manner as they shall consider reasonable; and if it appear to them that a Complaint made under this Act is frivolous or unfounded, they may order the Payment by the Local Authority or Person making the Complaint of the Costs incurred by the Person against whom the Complaint is made, or any Part thereof.

Costs and Expenses of Works to be paid by Person on whom Order is made, or Owner or Occupier.

XX. Where

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With regard to  
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of Nuisances.

Proceedings  
before Jus-  
tices to re-  
cover Ex-  
penses.

XX. Where any Costs, Expenses, or Penalties are due under or in consequence of any Order of Justices made in pursuance of this Act as aforesaid, any Justice of the Peace, upon the Application of the Local Authority, shall issue a Summons requiring the Person from whom they are due to appear before Two Justices at a Time and Place to be named therein: and upon Proof to the Satisfaction of the Justices present that any such Costs, Expenses, or Penalties are so due, such Justices, unless they think fit to excuse the Party summoned upon the Ground of Poverty or other special Circumstances, shall, by Order in Writing under their Hands and Seals, order him to pay the Amount to the Local Authority at once, or by such Instalments as the Justices think fit, together with the Charges attending such Application and the Proceedings thereon: and if the Amount of such Order, or any Instalment thereof, be not paid within Fourteen Days after the same is due, the same may, by Warrant of the said or other Justices, be levied by Distress and Sale.

Surveyors of  
Highways  
to cleanse  
Ditches, &c.  
paying  
Owners, &c.  
for Damages.

XXI. All Surveyors and District Surveyors may make, scour, cleanse, and keep open all Ditches, Gutters, Drains, or Watercourses in and through any Lands or Grounds adjoining or lying near to any Highway, upon paying the Owner or Occupier of such Lands or Grounds, provided they are not Waste or Common, for the Damages which he shall thereby sustain, to be settled and paid in such Manner as the Damages for getting Materials in inclosed Lands or Grounds are directed to be settled and paid by the Law in force for the Time being with regard to Highways.

Power to  
Local Authority  
to cover  
and improve  
open  
Ditches, &c.

XXII. Whenever any Ditch, Gutter, Drain, or Watercourse used or partly used for the Conveyance of any Water, Filth, Sewage, or other Matter from any House, Buildings, or Premises is a Nuisance within the Meaning of this Act, and cannot, in the Opinion of the Local Authority, be rendered innocuous, without the laying down of a Sewer or of some other Structure along the same or Part thereof or instead thereof, such Local Authority shall and they are hereby required to lay down such Sewer or other Structure, and to keep the same in good and serviceable Repair, and they are hereby declared to have the same Powers as to entering Lands for the Purposes thereof, and to be entitled to recover the same Penalties in case of Interference, as are contained in the Sixty-seventh and Sixty-eighth Sections of the Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled *An Act for consolidating and amending the Laws relating to Highways*

in

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*in* England; and such Local Authority are hereby authorised and empowered to assess every House, Building, or Premises then or at any Time thereafter using for the Purposes aforesaid the said Ditch, Gutter, Drain, Watercourse, Sewer, or other Structure, to such Payment, either immediate or annual, or distributed over a Term of Years, as they shall think just and reasonable, and, after Fourteen Days Notice at the least left on the Premises so assessed, to levy and collect the Sum and Sums so assessed in the same Manner, and with the same Remedies in case of Default in Payment thereof, as Highway Rates are by the Law in force for the Time being leviable and collectable, and with the same Right and Power of Appeal against the Amount of such Assessment reserved to the Person or Persons so assessed as by the Law for the Time being in force shall be given against any Rate made for the Repair of the Highways; and the Provisions contained in this Section shall be deemed to be Part of the Law relating to Highways in *England*: Provided always, that where such Ditch, Gutter, Drain, or Watercourse shall, as to Parts thereof, be within the Jurisdiction of different Local Authorities, this Enactment shall apply to each Local Authority only as to so much of the Works hereby required, and the Expenses thereof, as is included within the respective Jurisdiction of that Authority: Provided also, that such Assessment shall in no Case exceed a Shilling in the Pound on the Assessment to the Highway Rate, if any.

XXIII. Any Person or Company engaged in the Manufacture of Gas who shall at any Time cause or suffer to be brought or to flow into any Stream, Reservoir, or Aqueduct, Pond or Place for Water, or into any Drain communicating therewith, any Washing or other Substance produced in making or supplying Gas, or shall wilfully do any Act connected with the making or supplying of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, Pond or Place for Water shall be fouled, shall forfeit for every such Offence the Sum of Two hundred Pounds.

Penalty for causing Water to be corrupted by Gas Washings.

XXIV. Such Penalty may be recovered, with full Costs of Suit, in any of the Superior Courts, by the Person into whose Water such Washing or other Substance shall be conveyed or shall flow, or whose Water shall be fouled by any such Act as aforesaid, or if there be no such Person, or in default of Proceedings by such Person, after Notice to him from the Local Authority of their Intention to proceed for such Penalty, by the Local Authority; but such Penalty shall not be recoverable unless it be sued for during the Continuance of the Offence, or within Six Months after it shall have ceased.

Penalty to be sued for in Superior Courts within Six Months.

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Removal  
of Nuisances.

Daily Pen-  
alty during  
the Con-  
tinuance of  
the Offence.

XXV. In addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have been recovered or not), the Person or Company so offending shall forfeit the Sum of Twenty Pounds (to be recovered in the like Manner) for each Day during which such Washing or other Substance shall be brought or shall flow as aforesaid, or during which the Act by which such Water shall be fouled shall continue, after the Expiration of Twenty-four Hours from the Time when Notice of the Offence shall have been served on such Person or Company by the Local Authority, or the Person into whose Water such Washing or other Substance shall be brought or flow or whose Water shall be fouled thereby, and such Penalty shall be paid to the Parties from whom such Notice shall proceed; and all Monies recovered by a Local Authority under this or the preceding Section shall, after Payment of any Damage caused by the Act for which the Penalty is imposed, be applied towards defraying the Expenses of executing this Act.

Penalty on  
Sale of un-  
wholesome  
Meat, &c.

XXVI. The Sanitary Inspector may at all reasonable Times inspect and examine any Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, Vegetables, Corn, Bread, or Flour exposed for Sale, or in the course of or on their Way to slaughtering, dressing, or Preparation for Sale or Use, or landed from any Ship or Vessel in any Port in *England*; and in case any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, Vegetables, Corn, Bread, or Flour appear to him to be unfit for such Food the same may be seized; and if it appear to a Justice that any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, Vegetables, Corn, Bread, or Flour is unfit for the Food of Man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food: and the Person to whom such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, Vegetables, Corn, Bread, or Flour belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding Ten Pounds for every Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, or for the Parcel of Fruit, Vegetables, Corn, Bread, or Flour so found.

As to  
Nuisances  
arising in  
Cases of  
noxious  
Trades,  
Businesses,  
Processes,  
or Manu-  
factures.

XXVII. If any Candle House, Melting House, Melting Place, or Soap-house, or any Slaughter-house, or any Building or Place for boiling Offal or Blood, or for boiling, burning, or crushing Bones, or any Manufactory, Building, or Place used for any Trade, Business, Process, or Manufacture causing Effluvia, be at any Time certified to the Local Authority by any Medical Officer, or any Two legally qualified Medical Practitioners, to be a Nuisance or injurious to the Health of the Inhabitants of the Neighbourhood, the Local Authority shall direct Complaint to be made before any Justice, who may

summon



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summon before any Two Justices in Petty Sessions assembled at their usual Place of Meeting the Person by or in whose Behalf the Work so complained of is carried on, and such Justices shall inquire into such Complaint, and if it shall appear to such Justices that the Trade or Business carried on by the Person complained against is a Nuisance, or causes any Effluvia injurious to the Health of the Inhabitants of the Neighbourhood, and that such Person shall not have used the best practicable Means for abating such Nuisance or preventing or counteracting such Effluvia, the Person so offending (being the Owner or Occupier of the Premises, or being a Foreman or other Person employed by such Owner or Occupier,) shall, upon a summary Conviction for such Offence, forfeit and pay a Sum of not more than Five Pounds nor less than Forty Shillings, and upon a Second Conviction for such Offence the Sum of Ten Pounds, and for each subsequent Conviction a Sum double the Amount of the Penalty imposed for the last preceding Conviction, but the highest Amount of such Penalty shall not in any Case exceed the Sum of Two hundred Pounds : Provided always, that the Justices may suspend their final Determination in any such Case, upon Condition that the Person so complained against shall undertake to adopt, within a reasonable Time, such Means as the said Justices shall judge to be practicable and order to be carried into effect for abating such Nuisance, or mitigating or preventing the injurious Effects of such Effluvia, or shall give Notice of Appeal in the Manner provided by this Act, and shall enter into Recognizances to try such Appeal, and shall appeal accordingly : Provided always, that the Provisions herein-before contained shall not extend or be applicable to any Place without the Limits of any City, Town, or populous District.

XXVIII. Provided also, That if, upon his Appearance before such Justices, the Party complained against object to have the Matter determined by such Justices, and enter into Recognizances, with sufficient Sureties, to be approved by the Justices, to abide the Event of any Proceedings at Law or in Equity that may be had against him on account of the Subject Matter of Complaint, the Local Authority shall thereupon abandon all Proceedings before the Justices, and shall forthwith take Proceedings at Law or in Equity in Her Majesty's Superior Courts for preventing or abating the Nuisance complained of.

XXIX. Whenever the Medical Officer of Health, if there be One, or if none, whenever Two qualified Medical Practitioners, shall certify to the Local Authority that any House is so overcrowded as to be dangerous or prejudicial to the Health of the Inhabitants, and the Inhabitants shall consist of more than One Family, the Local Authority shall cause Proceedings to be taken before the Justices to abate such overcrowding, and the Justices shall thereupon make such Order as they

Reference to  
Superior  
Court at the  
Option of  
the Party  
complained  
against.

On Certifi-  
cate of Medi-  
cal Officer to  
Local Auth-  
ority that  
House is  
overcrowd-  
ed, Proceed-  
ings may be  
taken to  
abate the  
same.



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PART II.  
With regard to  
Removal  
of Nuisances.

Local Au-  
thority to  
order Costs  
of Prosecu-  
tions to be  
paid out of  
the Rates.

they may think fit, and the Person permitting such overcrowding shall forfeit a Sum not exceeding Forty Shillings.

XXX. The Local Authority may, within the Area of their Jurisdiction, direct any Proceedings to be taken at Law or in Equity in Cases coming within the Purview of this Act, and may order Proceedings to be taken for the Recovery of any Penalties, and for the Punishment of any Persons offending against the Provisions of this Act, or in relation to Appeals under this Act, and may order the Expenses of all such Proceedings to be paid out of the Rates or Funds administered by them under this Act.

PART III.  
As to Pro-  
cedure under  
this Act.

Service of  
Notices,  
Summonses,  
and Orders.

### PART III.

And with regard to Procedure under this Act, be it enacted, That

XXXI. Notices, Summonses, and Orders under this Act may be served by delivering the same to or at the Residence of the Persons to whom they are respectively addressed, and where addressed to the Owner or Occupier of Premises they may also be served by delivering the same or a true Copy thereof to some Person upon the Premises, or if there be no Person upon the Premises who can be so served, by fixing the same upon some conspicuous Part of the Premises, or if the Person shall reside at a Distance of more than Five Miles from the Office of the Inspector then by a registered Letter through the Post.

Proof of  
Resolutions  
of Local  
Authority.

XXXII. Copies of any Orders or Resolutions of the Local Authority or their Committee, purporting to be signed by the Chairman of such Body or Committee, shall, unless the contrary be shown, be received as Evidence thereof, without Proof of their meeting, or of the official Character or Signature of the Person signing the same.

As to Pro-  
ceedings  
taken against  
several Per-  
sons for the  
same Offence.

XXXIII. Where Proceedings under this Act are to be taken against several Persons in respect of One Nuisance caused by the joint Act or Default of such Persons, it shall be lawful for the Local Authority to include such Persons in One Complaint, and for the Justices to include such Persons in One Summons, and any Order made in such a Case may be made upon all or any Number of the Persons included in the Summons, and the Costs may be distributed as to the Justices may appear fair and reasonable.

One or more  
joint Owners  
or Occupiers  
may be pro-  
ceeded  
against alone.

XXXIV. In case of any Demand or Complaint under this Act to which Two or more Persons, being Owners or Occupiers of Premises, or partly the one or partly the other, may be answerable jointly or in common

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common or severally, it shall be sufficient to proceed against any One or more of them without proceeding against the others or other of them; but nothing herein contained shall prevent the Parties so proceeded against from recovering Contribution in any Case in which they would now be entitled to Contribution by Law.

XXXV. Whenever, in any Proceeding under this Act, whether written or otherwise, it shall become necessary to mention or refer to the Owner or Occupier of any Premises, it shall be sufficient to designate him as the "Owner" or "Occupier" of such Premises, without Name or further Description.

Designation of "Owner" or "Occupier."

XXXVI. Whoever refuses to obey an Order of Justices under this Act for Admission on Premises of the Local Authority or their Officers, or wilfully obstructs any Person acting under the Authority or employed in the Execution of this Act, shall be liable for every such Offence to a Penalty not exceeding Five Pounds.

Penalty for obstructing Execution of this Act.

XXXVII. If the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this Act, any Justice to whom Application is made in this Behalf shall by Order in Writing require such Occupier to desist from such Prevention, or to permit the Execution of the Works required to be executed, provided that such Works appear to such Justice to be necessary for the Purpose of obeying or carrying into effect the Provisions of this Act; and if within Twenty-four Hours after the Service of such Order the Occupier against whom it is made do not comply therewith, he shall be liable to a Penalty not exceeding Five Pounds for every Day afterwards during the Continuance of such Non-compliance.

Penalty on Occupier obstructing Owner.

XXXVIII. Penalties imposed by this Act for Offences committed and Sums of Money ordered to be paid under this Act may be recovered by Persons thereto competent in *England* according to the Provisions of the Act of the Eleventh and Twelfth Years of the present Reign, Chapter Forty-three; and all Penalties recovered by the Local Authority under this Act shall be paid to them, to be by them applied in aid of their Expenses under this Act.

Penalties and Expenses recoverable under 11 & 12 Vict. c. 43.

XXXIX. No Order, nor any other Proceeding, Matter, or Thing done or transacted in or relating to the Execution of this Act, shall be vacated, quashed, or set aside for Want of Form, nor shall any Order, nor any other Proceeding, Matter, or Thing done or transacted in relation to the Execution of this Act, be removed

Proceedings not to be quashed for Want of Form.

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cedure under  
this Act.

or removable by Certiorari, or by any other Writ or Process whatsoever, into any of the Superior Courts; and Proceedings under this Act against several Persons included in One Complaint shall not abate by reason of the Death of any among the Persons so included, but all such Proceedings may be carried on as if the deceased Person had not been originally so included.

Appeals  
under this  
Act to be to  
Quarter  
Sessions.

XL. Appeals under this Act shall be to the Court of Quarter Sessions held next after the making of the Order appealed against; but the Appellant shall not be heard in support of the Appeal unless within Fourteen Days after the making of the Order appealed against he give to the Local Authority Notice in Writing stating his Intention to bring such Appeal, together with a Statement in Writing of the Grounds of Appeal, and shall within Two Days of giving such Notice enter into a Recognizance before some Justice of the Peace, with sufficient Securities, conditioned to try such Appeal at the said Court, and to abide the Order of and pay such Costs as shall be awarded by the Justices at such Court or any Adjournment thereof; and the said Court, upon hearing and finally determining the Matter of the Appeal, may, according to its Discretion, award such Costs to the Party appealing or appealed against as they shall think proper, and its Determination in or concerning the Premises shall be conclusive and binding on all Persons to all Intents or Purposes whatsoever: Provided always, that if there be not Time to give such Notice and enter into such Recognizance as aforesaid, then such Appeal may be made to, and such Notice, Statement, and Recognizance be given and entered into for, the next Sessions at which the Appeal can be heard; provided also, that on the Hearing of the Appeal no Grounds of Appeal shall be gone into or entertained other than those set forth in such Statement as aforesaid; provided also, that in any Case of Appeal the Court of Quarter Sessions may, if they think fit, state the Facts specially for the Determination of Her Majesty's Court of Queen's Bench, in which Case it shall be lawful to remove the Proceedings, by Writ of Certiorari or otherwise, into the said Court of Queen's Bench.

Forms to be  
used as in  
Schedule.

XLI. The Forms contained in the Schedule to this Act annexed, or any Forms to the like Effect, varied as Circumstances may require, may be used for Instruments under this Act, and shall be sufficient for the Purpose intended.

As to Protec-  
tion of Local  
Authority

XLII. The Local Authority, and any Officer or Person acting under the Authority and in execution or intended Execution of this Act,

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Act, shall be entitled to such Protection and Privilege in Actions and Suits, and such Exemption from personal Liability, as are granted to Local Boards of Health and their Officers by the Law in force for the Time being.

and its  
Officers.

XLIII. Nothing in this Act shall be construed to affect the Provisions of any Local Act as to Matters included in this Act, nor to impair, abridge, or take away any Power, Jurisdiction, or Authority which may at any Time be vested in any Commissioners of Sewers or of Drainage, or to take away or interfere with any Course of Proceedings which might be resorted to or adopted by such Commissioners if this Act had not passed, nor to impair any Power of abating Nuisances at Common Law, nor any Jurisdiction in respect of Nuisances that may be possessed by any Authority under the Act intituled *An Act to abate the Nuisances arising from the Smoke of Furnaces in the Metropolis, and from Steam Vessels above London Bridge, or the Common Lodging Houses Acts*, the Act for the Regulation of Municipal Corporations, the Public Health Act, or any Improvement Act respectively, or any Acts incorporated with such Acts, and Authorities may respectively proceed for the Abatement of Nuisances, or in respect of any other Matter or Thing herein-before provided or referred to, either under the Acts mentioned in this Section or any other Act conferring Jurisdiction in respect of the Nuisances referred to in this Act, or any Byelaws framed under any such Act, as they may think fit; and the Local Authorities constituted under and for the Purposes of the Common Lodging House Acts, 1851 and 1853, shall for the Purposes of those Acts have all the Powers of Local Authorities under this Act.

Act not to  
impair Juris-  
diction of  
Sewers Com-  
missioners,  
or Common  
Law Remed-  
ies for  
Nuisance,  
nor Juris-  
diction of  
Local Autho-  
rity as to the  
Nuisances  
referred to in  
this Act.

XLIV. Nothing herein contained shall enable any Local Authority, Surveyor of Highways, or other Person, either with or without any Order of Justices, to injuriously affect the Navigation of any River or Canal, or to divert or diminish any Supply of Water of Right belonging to any such River or Canal; and the Provisions of this Act shall not extend or be construed to extend to Mines of different Descriptions so as to interfere with or obstruct the efficient working of the same, or to the smelting of Ores and Minerals, or to the manufacturing of the Produce of such Ores and Minerals.

Act not to  
affect Navi-  
gation of  
Rivers or  
Canals.

XLV. No Power given by this Act shall be exercised in such Manner as to injuriously affect the Supply, Quality, or Fall of Water contained in any Reservoir or Stream, or any Feeders of such Reservoir or Stream, belonging to or supplying any Waterwork established by Act of Parliament, or in Cases where any Company

Saving as to  
Rights of  
Millowners,  
&c.

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this Act.*

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or Individual are entitled for their own Benefit to the Use of such Reservoir or Stream, or to the Supply of Water contained in such Feeders, without the Consent in Writing of the Company or Corporation in whom such Waterworks may be vested, or of the Parties so entitled to the Use of such Reservoirs, Streams, and Feeders, and also of the Owners thereof in Cases where the Owners and Parties so entitled are not the same Person.

Short Title.

XLVI. In citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the Words "The Nuisances Removal Act for *England*, 1855."



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SCHEDULE OF FORMS.

FORM (A.)

*Order of Justices for Admission of Officer of Local Authority to inspect private Premises.*

WHEREAS [*describe the Local Authority*] have by their Officer [*naming him*] made Application to me A.B., One of Her Majesty's Justices of the Peace having Jurisdiction in and for [*describe the Place*], and the said Officer has made Oath to me of his Belief that a Nuisance, within the Meaning of the Nuisances Removal Act for England, 1855, viz. [*describe Nuisance*], exists on Private Premises at [*describe Situation of Premises so as to identify them*], within my Jurisdiction, and Demand of Admission to such Premises for the Inspection thereof has been duly made under the said Act, and refused :

Now, therefore, I the said A.B. do hereby require you to admit the said [*name the Local Authority*], [*or the Officer of the said (Local Authority)*], for the Purpose of inspecting the said Premises.

Dated this

Day of

18

A.B.

FORM (B.)

*Notice of Nuisance.*

To the Local Authority (*describing it*).

I [*or We*], the Person aggrieved by the Nuisance herein-after described [*or the undersigned and described Inhabitant Householders, Sanitary Inspector, or other Officer (describing him)*], do hereby give you Notice, That there exists in or upon the [*Dwelling House, Yard, etc., as the Case may be*], situate at [*giving such Description as may be sufficient to identify the Premises*], in the Parish of \_\_\_\_\_ in your District, under the Nuisances Removal Act, 1855, the following Nuisance, videlicet, [*describing the Nuisance, as the Case may be ; for instance, a Dwelling House or Building a Nuisance or injurious to Health for Want of a Privy or Drain or sufficient Means of Ventilation, or so dilapidated or so filthy as to be a Nuisance or injurious to Health, or, for further instance, a Ditch or Drain so foul as to be a Nuisance or injurious to Health, or an Accumulation of a Nuisance or injurious to Health, &c., or Swine so kept as to*

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be a Nuisance or injurious to Health]; and that such Nuisance is caused by [naming the Person by whose Act or Default the Nuisance is caused, or by some Person unknown].

Dated this                      Day of                      in the Year of  
our Lord One thousand eight hundred and

[Signed by Complainant under Section 10.]

FORM (C.)

*Notice to Owner or Occupier of Entry for Examination.*

To the Owner [or Occupier, as the Case may be,] of [describe the Premises situate at] [insert a Description sufficient to identify the Premises].

TAKE notice, That, under the Nuisances Removal Act for England, 1855, the [Local Authority, naming it,] in whose District under the said Act the above Premises are situate, have received a Notice from [name Complainant], stating that in or upon the said Premises [insert the Cause of Nuisance as set forth in the Notice].

And further take notice, That after the Expiration of Twenty-four Hours from the Service of this Notice the [Local Authority] will cause the said Premises to be entered and examined under the Provisions of the said Act, and if the Cause of Nuisance aforesaid be found still existing, or, though removed or discontinued, be likely to be repeated, a Summons will be issued requiring your Attendance to answer a Complaint which will be made to the Justices for enforcing the Removal of the same, and prohibiting a Repetition thereof, and for recovering the Costs and Penalties that may be incurred thereby.

Dated this                      Day of                      in the Year of our  
Lord One thousand eight hundred and

A.B.,

The Officer appointed by the [Local  
Authority] to take Proceedings  
under the Nuisances Removal  
Act for England, 1855.

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FORM (D.)

*Summons.*

To the Owner or Occupier of [*describe Premises*] situate at  
[*insert such a Description as may be sufficient to identify the  
Premises*], or to A.B. of

County of } You are required to appear before Two of Her  
[or Borough of } Majesty's Justices of the Peace [or One of the  
§c. or District of } Magistrates of the Police Courts of the Metro-  
or as the Case may } polis, or the Stipendiary Magistrate] of the  
be] to wit. } County [*or other Jurisdiction*] of at  
the Petty Sessions [*or Court*] holden at on the Day  
of next, at the Hour of in the noon, to  
answer the Complaint this Day made to me by [or  
by on behalf of] [*naming the Local Authority, as  
the Case may be*], that in or upon the Premises above mentioned  
[or in or upon certain Premises situate at No. in the  
Street in the Parish of or such other Description or  
Reference as may be sufficient to identify the Premises], in their Dis-  
trict, under the Nuisances Removal Act for England, 1855, the fol-  
lowing Nuisance exists [*describing it, as the Case may be*], and that  
the said Nuisance is caused by the Act or Default of the Occupier  
[or Owner] of the said Premises, or by you A.B. [*or in case the  
Nuisance be discontinued, but likely to be repeated, say, there existed  
recently, to wit, on or about the Day of on  
the Premises, the following Nuisance [describe the Nuisance], and  
that the said Nuisance was caused [§c.], and although the same has  
since the said last-mentioned Day been removed or discontinued, there  
is reasonable Ground to consider that the same or the like Nuisance  
is likely to recur on the said Premises*].

Given under the Hand of me, J.P., Esquire, One of Her Majesty's  
Justices of the Peace acting in and for the [*Jurisdiction*]  
stated in the Margin, or One of the Magistrates of the  
Police Courts of the Metropolis, or Stipendiary Magistrate  
of Day of in the Year  
of our Lord One thousand eight hundred and

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FORM (E.)

*Order of Justices for Removal of Nuisances by Owner, &c.*

To the Owner [or Occupier] of [describe the Premises] situate  
[give such Description as may be sufficient to identify the  
Premises], or to A.B. of or to [giving Name  
of the Local Authority], or to their Servants or Agents, and  
to all whom it may concern.

County of [or Borough, &c. of or District of or as the Case may be.]	}	WHEREAS on the complaint was made before One of Her Majesty's Justices of the Peace acting in and for the County [or other Juris- diction] stated in the Margin. [or before the undersigned, One of the Magistrates of the Police Courts of the Metropolis, or as the Case may be,] by [or by on behalf of] [the Local Authority, naming it, as the Case may be]. that in or upon certain Premises situate at in the District under the Nuisances Removal Act for England, 1855. of the Complainants above named, the following Nuisance then existed [describing it]; and that the said Nuisance was caused by the Act or Default of the Owner [or Occupier] of the said Premises [or was caused by A.B.] (If the Nuisance have been removed say, the following Nuisance existed on or about [the Day the Nuisance was ascertained to exist], and that the said Nuisance was caused, &c., and although the same is now removed, the same or the like Nuisance is likely to recur on the same Premises.)	Day of Com- Esquire,
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And whereas the Owner [or Occupier] within  
the Meaning of the said Nuisances Removal Act, 1855, [or the said  
A.B.] hath this Day appeared before us Justices, being Two of  
Her Majesty's Justices in and for , sitting in  
Petty Sessions at their usual Place of Meeting [or before me, the said  
Magistrate of the Police Courts of the Metropolis, or as the Case  
may be]. to answer the Matter of the said Complaint [Or in case the  
Party charged do not appear, say, And whereas it hath been this  
Day proved to our [or my] Satisfaction that a true Copy of a Sum-  
mons requiring the Owner [or Occupier] of the said Premises [or the  
said A.B.] to appear this Day before us [or me] hath  
been duly served according to the said Act :

Now upon Proof here had before us [or me] that the Nuisance so  
complained of doth exist on the said Premises, and that the same is  
caused by the Act or Default of the Owner [or Occupier] of the  
said

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said Premises [or by the said A.B.,] we [or I], in pursuance of the said Act, do order the said Owner [or Occupier, or A.B.] within [specify the Time] from the Service of this Order or a true Copy thereof according to the said Act [here specify the Works to be done, as, for instance, to cleanse, whitewash, purify, and disinfect the said Dwelling House; or, for further instance, to construct a Privy or Drain, &c.; or, for further instance, to cleanse or to cover or to fill up the said Cesspool, &c.], so that the same shall no longer be a Nuisance or injurious to Health as aforesaid.

[And if it appear to the Justices that the Nuisance is likely to recur on the Premises say [And we] [or I] being satisfied that, notwithstanding the said Cause or Causes of Nuisances may be removed under this Order, the same is or are likely to recur, do therefore prohibit the said Owner [or Occupier, or A.B.,] from [here insert the Matter of the Prohibition, as, for instance, from using the said House or Building for Human Habitation until the same, in our Judgment, is rendered fit for that Purpose].

And if the above Order for Abatement be not complied with, [or if the above Order of Prohibition be infringed,] then we [or I] do authorize and require you the said [Local Authority, naming it], from Time to Time to enter upon the said Premises, and to do all such Works, Matters, and Things as may be necessary for carrying this Order into full Execution according to the Act aforesaid.

In case the Nuisance were removed before Complaint, say, [Now, upon Proof here had before us that at or recently before the Time of making the said Complaint, to wit, on as aforesaid, the Cause of Nuisance complained of did exist on the said Premises, but that the same hath since been removed, yet, notwithstanding such Removal, we [or I] being satisfied that it is likely that the same or the like Nuisance will recur on the said Premises, do hereby prohibit, [Order of Prohibition]; and if this Order of Prohibition be infringed, then we [or I] [Order on Local Authority to do Works].

Given under the Hands and Seals of us, Two of Her Majesty's  
Justices of the Peace in and for [or the Hand  
and Seal of me, One of the Magistrates of the Police Courts  
of the Metropolis, or as the case may be], this  
Day of in the Year of our Lord  
One thousand eight hundred and



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FORM (F.)

*Order of Justices for Removal of Nuisance by Local Authority.*

To the Town Council, &c., as the Case may be.

County, &c. } WHEREAS [*recite Complaint of Nuisance as in last Form*].  
to wit. }

And whereas it hath been now proved to our [or my] Satisfaction that such Nuisance exists, but that no Owner or Occupier of the Premises, or Person causing the Nuisance, is known or can be found [*as the Case may be*]: Now we [or I], in pursuance of the said Act, do order the said [*Local Authority, naming it,*] forthwith to [*here specify the Works to be done*].

Given, &c.

FORM (G.)

*Order to permit Execution of Works by Owners.*

County of } WHEREAS Complaint hath been made to me,  
[or Borough of } E.F., Esquire, One of Her Majesty's Justices of  
or Metropolitan Police } the Peace in and for the County [or Borough,  
District, or as the Case } &c.] of [or One of the Magistrates  
may be,] to wit. }  
of the Police Courts of the Metropolis, or as the Case may be, or One  
of Her Majesty's Justices of the Peace, as the Case may be, of the  
County of }, by A.B., Owner within the Meaning of the  
"Nuisances Removal Act for England, 1855," of certain Premises, to  
wit, a Dwelling House [or Building, or as the Case may be], situate  
at [*insert such a Description of the Premises as may be sufficient to  
identify them*], in the Parish of  
[or Borough, &c.], that C.D., the Occupier of the said Premises,  
doth prevent the said A.B. from obeying and carrying into effect the  
Provisions of the said Act, in this, to wit, that he the said C.D. [*here  
describe the Act of Prevention generally according to the Circum-  
stances; for instance thus,* doth refuse to quit the said House, the  
same having by the Order of Justices been declared unfit for  
Human Habitation, or doth prevent the said A.B. from cleansing or  
whitewashing or purifying the said Dwelling House, or erecting a  
Privy or Drain, or breaking an Aperture for Ventilation, or cleansing  
a Drain, Ditch, Gutter, Watercourse, Privy, Urinal, Cesspool, or  
Ashpit which is a Nuisance or injurious to Health]: And whereas  
the said C.D. has been summoned to answer the said Complaint, and  
has not shown sufficient Cause against the same, and it appears

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to me that [*describe the Act or Works to be done*] is necessary for the Purpose of enabling the said *A.B.* to obey and carry into effect the Provisions of the said Act, I do hereby order that the said *C.D.* do permit the said *A.B.* [*describe the Act or Works to be done*] in the Manner required by the said Act.

Given under my Hand and Seal, this                      Day of  
in the Year of our Lord One thousand eight hundred  
and                      .

*E.F.* (L.S.)

## FORM (H.)

*Summons for Nonpayment of Costs, Expenses, or Penalties.* Sec. 20.

To [describe  
the Person from whom the Costs, Expenses, and Penalties are  
due].

County of  
or Borough of  
or District of  
to wit,

You are required to appear before Two of Her Majesty's Justices of the Peace [*or* One of the Magistrates of the Police Courts of the Metropolis, *or* the Stipendiary Magistrates] of the

County [*or other Jurisdiction*] of \_\_\_\_\_ at the Petty Sessions  
[*or Court*] holden at \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_

next, at the Hour of                      in the                      noon, to  
answer the Complaint this Day made to me by                      [or

by \_\_\_\_\_ on behalf of] [*naming the Local Authority*], that

the Sum of                      Pounds, being Costs and Expenses incurred by you under and in relation to a certain Complaint touching [describe the Nuisance], and an Order of [describe the Person making the Order] duly made in pursuance of the Nuisances Removal Act for England, 1855, [*if Penalties are due, add*, and also the Sum of                      being the Amount of Penalties payable by you for Disobedience of the said Order,] remains unpaid and due from you.

Given under the Hand of me, *J.P.*, Esquire, One of Her Majesty's Justices of the Peace acting in and for the [*Jurisdiction stated in the Margin*] [*or One of the Magistrates of the Police Courts of the Metropolis, or Stipendiary Magistrate of* ] the Day of in the Year of our Lord One thousand eight hundred and

*Nuisances Removal and Diseases Prevention Acts  
Consolidation and Amendment.*

## FORM (I.)

*Order for Payment of Costs, Expenses, and Penalties.* See. 20.

To [name the Person on whom the Order is made].

County, &c. } WHEREAS Complaint has been made before us [or me] for  
to wit. } that [recite Cause of Complaint.]

And whereas the said [naming the Person against whom the Complaint is made] has this Day appeared before us the said Justices [or before me the said Magistrate of the Police Courts of the Metropolis, or as the Case may be.] to answer this Matter of the said Complaint: [Or, in case the Party charged do not appear, say],

And whereas it has been this Day satisfactorily proved to us [or me] that a true Copy of the Summons requiring the said [naming Person charged] to appear before us [or me] this Day hath been duly served according to the said Act: Now, having heard the Matter of the said Complaint, we [or I] do adjudge the said [naming the Person charged] to pay forthwith [or by Instalments of payable respectively on or before the ] to the said [naming the Person or Local Authority to whom the Costs adjudged are payable], the Sum of for Costs in this Behalf, and to [naming the Person or Authority to whom the Expenses are payable] the Sum of for Expenses in this Behalf, [if Penalties are due, add, and the Sum of for Penalties incurred in relation to the Premises.] together with the Sum of being the Charges attending the Application for this Order and Proceedings thereon; and if the said several Sums, amounting in the whole to [or if any One of the said Instalments] be not paid within Fourteen Days after the same is due as aforesaid, we [or I] hereby order that the same be levied by Distress and Sale of the Goods and Chattels of the said , and in default of sufficient Distress in that Behalf adjudge the said to be imprisoned in the Common Gaol [or House of Correction, as the Case may be.] at in the said County [or as the Case may be.] for the Space of such Time, not exceeding Three Calendar Months, as the Justices may think fit, unless the said several Sums [or Sum], and all Costs and Charges of the said Distress [and of the Commitment and carrying of the said to the said House of Correction or Common Gaol, or as the Case may be.] shall be sooner paid.

Given under our [or my] Hands, this Day of  
in the Year of our Lord One thousand eight hundred and  
at in the [County, or as the Case may be.] aforesaid.

*Nuisances Removal and Diseases Prevention Acts  
Consolidation and Amendment.*

## FORM (K.)

*Warrant of Distress.* Sec. 20.

To the Constable of \_\_\_\_\_ and to all other Peace Officers in the  
said County [*or as the Case may be*].

WHEREAS on \_\_\_\_\_ last past Complaint was made before the under-  
signed, Two of Her Majesty's Justices of the Peace in and for the said  
County of [*or as the Case may be*] [*or a Magistrate of the Police  
Courts of the Metropolis, or Stipendiary Magistrate, as the Case may  
be*] for that [*&c. as in the Order*]; and thereupon having considered  
the Matter of the said Complaint, we [*or I*] adjudged the said  
[*set out from Form K. the Adjudication of Payment, and the Order for  
Distress and for Imprisonment in default of Distress*]: And whereas the  
Time in and by the said Order appointed for the Payment of the said  
several Sums of \_\_\_\_\_ and \_\_\_\_\_ hath elapsed, but the said  
\_\_\_\_\_ hath not paid the same or any Part thereof within Fourteen Days after  
the Date fixed by the Order for such Payment, but therein hath made  
Default: These are therefore to command you in Her Majesty's Name  
forthwith to make Distress of the Goods and Chattels of the said *A.B.*;  
and if within the Space of \_\_\_\_\_ Days after the making of such  
Distress the said last-mentioned Sums, together with the reasonable  
Charges of taking and keeping the said Distress, shall not be paid, that  
then you do sell the said Goods and Chattels so by you distrained, and  
do pay the Money arising from such Sale over to the Clerk of the  
Justices of the Peace for the Division of \_\_\_\_\_ in the said [County,  
*or as the Case may be*], that he may pay and apply the same as by  
Law directed, and may render the Overplus, if any, on Demand, to  
the said \_\_\_\_\_; and if no such Distress can be found, then that you  
certify the same unto me, to the end that such Proceedings may be  
had therein as to the Law doth appertain.

Given under our [*or my*] Hands and Seal, this \_\_\_\_\_ Day  
of \_\_\_\_\_ in the Year of our Lord One thousand eight  
hundred and \_\_\_\_\_ at \_\_\_\_\_ in the [County]  
aforesaid.

*A.B.**C.D.*

(L.S.)

*Nuisances Removal and Diseases Prevention Acts  
Consolidation and Amendment.*

## FORM (L.)

*Return of Proceedings under Nuisances Removal Act, 1855, by  
the [name the Local Authority at length].*

*From 25th March 1855 to 25th March 1856.*

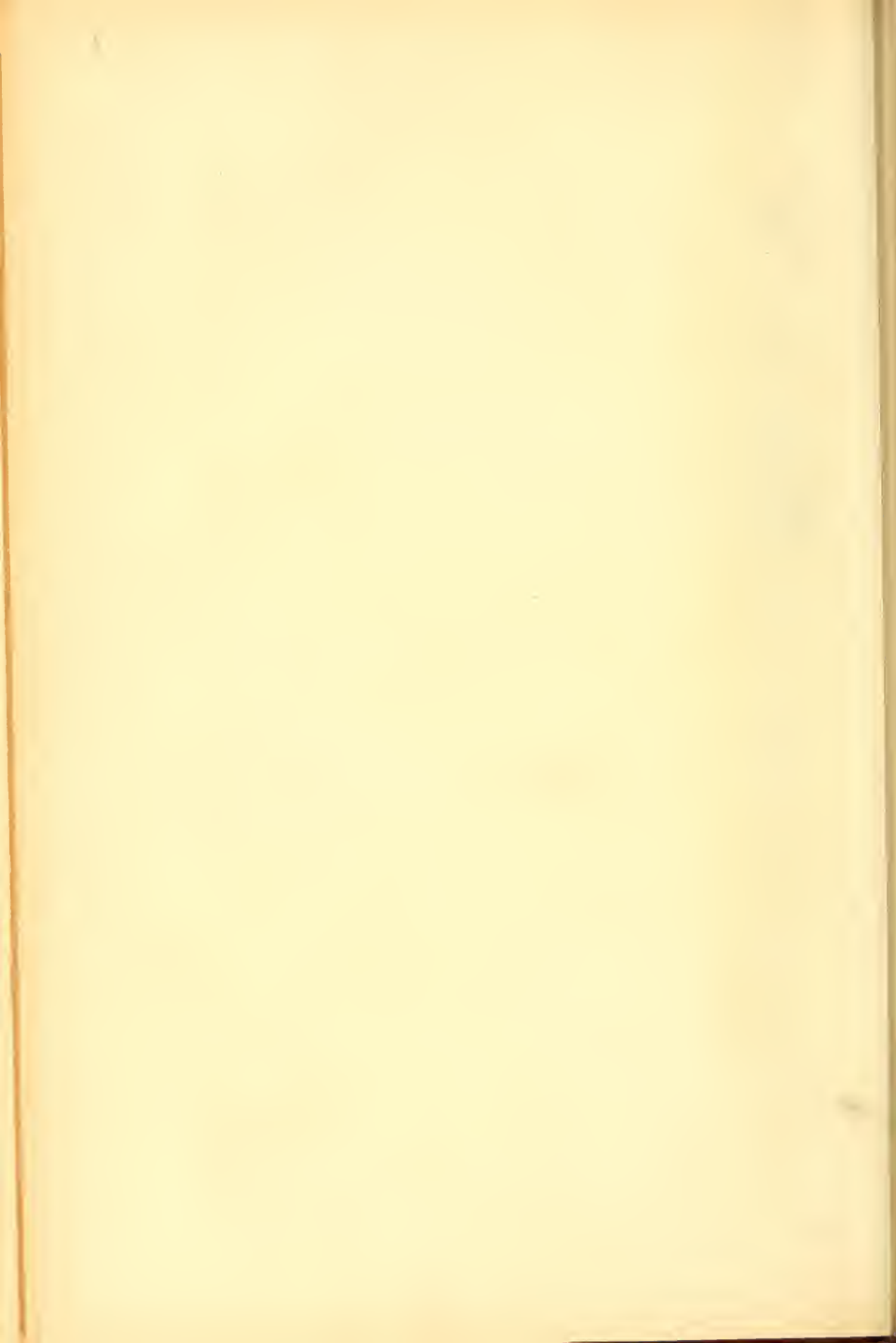
Date of Notice.	By whom given.	Nature of Nuisance.	Proceedings taken.	Remarks :—With any special Work done under the Acts, without any Notice.
16 April -	The Inspector -	Foul Drainage from House.	Owner put down good Drain, on Summons, with- out Justices Order.	Several Houses being in a like Position, the Highway Sur- veyor laid down a Sewer in the old Watercourse, and each House was charged a propor- tionate Sum for the same, of which the highest Sum was 10s.
18 April -	Two Neighbours	Offensive Cesspool.	Abated by Loc Authority.	Renewed once; but Penalty re- covered, and no subsequent Re- newal attempted.

Dated this 26th Day of March 1856. [*To be signed by the  
Chairman of the Local Authority.*]

LONDON: Printed by EYRE and SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1856.







# Sale of Food and Drugs.

[38 & 39 VICT. CH. 63.]

## ARRANGEMENT OF CLAUSES.

A.D. 1875.

### Clause.

1. Repeal of statutes.
2. Interpretation of words.

### *Description of Offences.*

3. Prohibition of the mixing of injurious ingredients, and of selling the same.
4. Prohibition of the mixing of drugs with injurious ingredients, and of selling of the same.
5. Exemption in case of proof of absence of knowledge.
6. Prohibition of the sale of articles of food and of drugs not of the proper nature, substance, and quality.
7. Provision for the sale of compounded articles of food and compounded drugs.
8. Protection from offences by giving of label.
9. Prohibition of the abstraction of any part of an article of food before sale, and selling without notice.

### *Appointment and Duties of Analysts, and Proceedings to obtain Analysis.*

10. Appointment of analysts.
11. Town council of a borough may engage the analyst of another borough or of the county.
12. Power to purchaser of an article of food to have it analysed.
13. Officer named to obtain a sample of food or drug to submit to analyst.
14. Provision for dealing with the sample when purchased.
15. Provision when sample is not divided.
16. Provision for sending article to the analyst through the post office.
17. Person refusing to sell any article to any officer liable to penalty.

A.D. 1875. Clause.

18. Form of the certificate.
19. Quarterly report of the analyst.

*Proceedings against Offenders.*

20. Proceedings against offenders.
21. Certificate of analyst *prima facie* evidence for the prosecution, but analyst to be called if required. Defendant and his wife may be examined.
22. Power to justices to have articles of food and drug analysed.
23. Appeal to quarter sessions.
24. In any prosecution defendant to prove that he is protected by exception or provision.
25. Defendant to be discharged if he prove that he bought the article in the same state as sold, and with a warranty. No costs except on issues proved against him.
26. Application of penalties.
27. Punishment for forging certificate or warranty; for wilful misapplication of warranty; for false warranty; for false label.
28. Proceedings by indictment and contracts not to be affected.

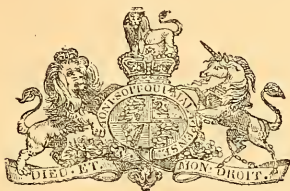
*Expenses of executing the Act.*

29. Expenses of executing Act.

*Special Provision as to Tea.*

30. Tea to be examined by the Customs on importation.
31. Interpretation of Act.
32. Provision for the liberty of a cinque port.
33. Application of the Act to Scotland.
34. Interpretation of terms in application of Act to Ireland.
35. Commencement of the Act.
36. Title of the Act.

## SCHEDULE.



## CHAPTER 63.

An Act to repeal the Adulteration of Food Acts, and to make better provision for the Sale of Food and Drugs in a pure state. A.D. 1875.  
[11th August 1875.]

**W**HEREAS it is desirable that the Acts now in force relating to the adulteration of food should be repealed, and that the law regarding the sale of food and drugs in a pure and genuine condition should be amended :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. From the commencement of this Act the statutes of the twenty-third and twenty-fourth of Victoria, chapter eighty-four, of the thirty-first and thirty-second of Victoria, chapter one hundred and twenty-one, section twenty-four, of the thirty-third and thirty-fourth of Victoria, chapter twenty-six, section three, and of the thirty-fifth and thirty-sixth of Victoria, chapter seventy-four, shall be repealed except in regard to any appointment made under them and not then determined, and in regard to any offence committed against them or any prosecution or other act commenced and not concluded or completed, and any payment of money then due in respect of any provision thereof. Repeal of statutes.

2. The term "food" shall include every article used for food or drink by man, other than drugs or water : Interpretation of words.

The term "drug" shall include medicine for internal or external use :

The term "county" shall include every county, riding, and division, as well as every county of a city or town not being a borough :

The term "justices" shall include any police and stipendiary magistrate invested with the powers of a justice of the peace in England, and any divisional justices in Ireland.



A.D. 1875.

*Description of Offences.*

Prohibition  
of the  
mixing of  
injurious  
ingredients,  
and of selling  
the same.

3. No person shall mix, colour, stain, or powder, or order or permit any other person to mix, colour, stain, or powder, any article of food with any ingredient or material so as to render the article injurious to health, with intent that the same may be sold in that state, and no person shall sell any such article so mixed, coloured, stained, or powdered, under a penalty in each case not exceeding fifty pounds for the first offence; every offence, after a conviction for a first offence, shall be a misdemeanor, for which the person, on conviction, shall be imprisoned for a period not exceeding six months with hard labour.

Prohibition  
of the  
mixing of  
drugs with  
injurious  
ingredient,  
and of selling  
the same.

4. No person shall, except for the purpose of compounding as herein-after described, mix, colour, stain, or powder, or order or permit any other person to mix, colour, stain, or powder, any drug with any ingredient or material so as to affect injuriously the quality or potency of such drug, with intent that the same may be sold in that state, and no person shall sell any such drug so mixed, coloured, stained, or powdered, under the same penalty in each case respectively as in the preceding section for a first and subsequent offence.

Exemption  
in case of  
proof of  
absence of  
knowledge.

5. Provided that no person shall be liable to be convicted under either of the two last foregoing sections of this Act in respect of the sale of any article of food, or of any drug, if he shows to the satisfaction of the justice or court before whom he is charged that he did not know of the article of food or drug sold by him being so mixed, coloured, stained, or powdered as in either of those sections mentioned, and that he could not with reasonable diligence have obtained that knowledge.

Prohibition  
of the sale of  
articles of  
food and of  
drugs not of  
the proper  
nature, sub-  
stance, and  
quality.

6. No person shall sell to the prejudice of the purchaser any article of food or any drug which is not of the nature, substance, and quality of the article demanded by such purchaser, under a penalty not exceeding twenty pounds; provided that an offence shall not be deemed to be committed under this section in the following cases; that is to say,

- (1.) Where any matter or ingredient not injurious to health has been added to the food or drug because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight, or measure of the food or drug, or conceal the inferior quality thereof;

(2.) Where the drug or food is a proprietary medicine, or is the subject of a patent in force, and is supplied in the state required by the specification of the patent ; A.D. 1875.

(3.) Where the food or drug is compounded as in this Act mentioned ;

(4.) Where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation.

7. No person shall sell any compound article of food or compounded drug which is not composed of ingredients in accordance with the demand of the purchaser, under a penalty not exceeding twenty pounds.

Provision for the sale of compounded articles of food and compounded drugs.

8. Provided that no person shall be guilty of any such offence as aforesaid in respect of the sale of an article of food or a drug mixed with any matter or ingredient not injurious to health, and not intended fraudulently to increase its bulk, weight, or measure, or conceal its inferior quality, if at the time of delivering such article or drug he shall supply to the person receiving the same a notice, by a label distinctly and legibly written or printed on or with the article or drug, to the effect that the same is mixed.

Protection from offences by giving of label.

9. No person shall, with the intent that the same may be sold in its altered state without notice, abstract from an article of food any part of it so as to affect injuriously its quality, substance, or nature, and no person shall sell any article so altered without making disclosure of the alteration, under a penalty in each case not exceeding twenty pounds.

Prohibition of the abstraction of any part of an article of food before sale, and selling without notice.

#### *Appointment and Duties of Analysts, and Proceedings to obtain Analysis.*

10. In the city of London and the liberties thereof the Commissioners of Sewers of the city of London and the liberties thereof, and in all other parts of the metropolis the vestries and district boards acting in execution of the Act for the better local management of the metropolis, the court of quarter sessions of every county, and the town council of every borough having a separate court of quarter sessions, or having under any general or local Act of Parliament or otherwise a separate police establishment, may, as soon as convenient after the passing of this Act, where no appointment has been hitherto made, and in all cases as and when vacancies in the office occur, or when required so to do by the Local Government Board, shall, for their respective city, districts, counties, or boroughs, appoint one or more persons possessing competent

Appointment of analysts.

A.D. 1875. knowledge, skill, and experience, as analysts of all articles of food and drugs sold within the said city, metropolitan districts, counties, or boroughs, and shall pay to such analysts such remuneration as shall be mutually agreed upon, and may remove him or them as they shall deem proper; but such appointments and removals shall at all times be subject to the approval of the Local Government Board, who may require satisfactory proof of competency to be supplied to them, and may give their approval absolutely or with modifications as to the period of the appointment and removal, or otherwise: Provided that no person shall hereafter be appointed an analyst for any place under this section who shall be engaged directly or indirectly in any trade or business connected with the sale of food or drugs in such place.

In Scotland the like powers shall be conferred and the like duties shall be imposed upon the commissioners of supply at their ordinary meetings for counties, and the commissioners or boards of police, or where there are no such commissioners or boards, upon the town councils for boroughs within their several jurisdictions; provided that one of Her Majesty's Principal Secretaries of State in Scotland shall be substituted for the Local Government Board of England.

In Ireland the like powers and duties shall be conferred and imposed respectively upon the grand jury of every county and town council of every borough; provided that the Local Government Board of Ireland shall be substituted for the Local Government Board of England.

Town council of a borough may engage the analyst of another borough or of the county.

11. The town council of any borough may agree that the analyst appointed by any neighbouring borough or for the county in which the borough is situated, shall act for their borough during such time as the said council shall think proper, and shall make due provision for the payment of his remuneration, and if such analyst shall consent, he shall during such time be the analyst for such borough for the purposes of this Act.

Power to purchaser of an article of food to have it analysed.

12. Any purchaser of an article of food or of a drug in any place being a district, county, city, or borough where there is any analyst appointed under this or any Act hereby repealed shall be entitled, on payment to such analyst of a sum not exceeding ten shillings and sixpence, or if there be no such analyst then acting for such place, to the analyst of another place, of such sum as may be agreed upon between such person and the analyst, to have such article analysed by such analyst, and to receive from him a certificate of the result of his analysis.

13. Any medical officer of health, inspector of nuisances, or inspector of weights and measures, or any inspector of a market or any police constable under the direction and at the cost of the local authority appointing such officer, inspector, or constable, or charged with the execution of this Act, may procure any sample of food or drugs, and if he suspect the same to have been sold to him contrary to any provision of this Act, shall submit the same to be analysed by the analyst of the district or place for which he acts, or if there be no such analyst then acting for such place to the analyst of another place, and such analyst shall upon receiving payment as is provided in the last section, with all convenient speed analyse the same and give a certificate to such officer, wherein he shall specify the result of the analysis.

A.D. 1875.

Officer named to obtain a sample of food or drug to submit to analyst.

14. The person purchasing any article with the intention of submitting the same to analysis shall, after the purchase shall have been completed, forthwith notify to the seller or his agent selling the article his intention to have the same analysed by the public analyst, and shall offer to divide the article into three parts to be then and there separated, and each part to be marked and sealed or fastened up in such manner as its nature will permit, and shall, if required to do so, proceed accordingly, and shall deliver one of the parts to the seller or his agent.

Provision for dealing with the sample when purchased.

He shall afterwards retain one of the said parts for future comparison and submit the third part, if he deems it right to have the article analysed, to the analyst.

15. If the seller or his agent do not accept the offer of the purchaser to divide the article purchased in his presence, the analyst receiving the article for analysis shall divide the same into two parts, and shall seal or fasten up one of those parts, and shall cause it to be delivered, either upon receipt of the sample or when he supplies his certificate to the purchaser, who shall retain the same for production in case proceedings shall afterwards be taken in the matter.

Provision when sample is not divided.

16. If the analyst do not reside within two miles of the residence of the person requiring the article to be analysed, such article may be forwarded to the analyst through the post office as a registered letter, subject to any regulations which the Postmaster General may make in reference to the carrying and delivery of such article, and the charge for the postage of such article shall be deemed one of the charges of this Act or of the prosecution, as the case may be.

Provision for sending article to the analyst through the post office.

17. If any such officer, inspector, or constable, as above described, shall apply to purchase any article of food or any drug exposed

Person refusing to sell any article



A D. 1875.  
to any officer  
liable to  
penalty.

to sale, or on sale by retail on any premises or in any shop or stores, and shall tender the price for the quantity which he shall require for the purpose of analysis, not being more than shall be reasonably requisite, and the person exposing the same for sale shall refuse to sell the same to such officer, inspector, or constable, such person shall be liable to a penalty not exceeding ten pounds.

Form of the  
certificate.

18. The certificate of the analysis shall be in the form set forth in the schedule hereto, or to the like effect.

Quarterly  
report of the  
analyst.

19. Every analyst appointed under any Act hereby repealed or this Act shall report quarterly to the authority appointing him the number of articles analysed by him under this Act during the foregoing quarter, and shall specify the result of each analysis and the sum paid to him in respect thereof, and such report shall be presented at the next meeting of the authority appointing such analyst, and every such authority shall annually transmit to the Local Government Board, at such time and in such form as the Board shall direct, a certified copy of such quarterly report.

#### *Proceedings against Offenders.*

Proceedings  
against  
offenders.

20. When the analyst having analysed any article shall have given his certificate of the result, from which it may appear that an offence against some one of the provisions of this Act has been committed, the person causing the analysis to be made may take proceedings for the recovery of the penalty herein imposed for such offence, before any justices in petty sessions assembled having jurisdiction in the place where the article or drug sold was actually delivered to the purchaser, in a summary manner.

Every penalty imposed by this Act shall be recovered in England in the manner prescribed by the eleventh and twelfth of Victoria, chapter forty-three. In Ireland such penalties and proceedings shall be recoverable, and may be taken with respect to the police district of Dublin metropolis, subject and according to the provisions of any Act regulating the powers and duties of justices of the peace for such district, or of the police of such district; and with respect to other parts of Ireland, before a justice or justices of the peace sitting in petty sessions, subject and according to the provisions of "The Petty Sessions (Ireland) Act, 1851," and any Act amending the same.

Every penalty herein imposed may be reduced or mitigated according to the judgment of the justices.

Certificate of  
analyst prima  
facie evidence  
for the pro-

21. At the hearing of the information in such proceeding the production of the certificate of the analyst shall be sufficient evidence



of the facts therein stated, unless the defendant shall require that the analyst shall be called as a witness, and the parts of the articles retained by the person who purchased the article shall be produced, and the defendant may, if he think fit, tender himself and his wife to be examined on his behalf, and he or she shall, if he so desire, be examined accordingly.

A.D. 1875.

seution, but  
analyst to be  
called if re-  
quired.  
Defendant and  
his wife may  
be examined.

22. The justices before whom any complaint may be made, or the court before whom any appeal may be heard, under this Act may, upon the request of either party, in their discretion cause any article of food or drug to be sent to the Commissioners of Inland Revenue, who shall thereupon direct the chemical officers of their department at Somerset House to make the analysis, and give a certificate to such justices of the result of the analysis; and the expense of such analysis shall be paid by the complainant or the defendant as the justices may by order direct.

Power to  
justices to  
have articles  
of food and  
drug ana-  
lysed.

23. Any person who has been convicted of any offence punishable by any Act hereby repealed or by this Act by any justices may appeal in England to the next general or quarter sessions of the peace which shall be held for the city, county, town, or place wherein such conviction shall have been made, provided that such person enter into a recognizance within three days next after such conviction, with two sufficient sureties, conditioned to try such appeal, and to be forthcoming to abide the judgment and determination of the court at such general or quarter sessions, and to pay such costs as shall be by such court awarded; and the justices before whom such conviction shall be had are hereby empowered and required to take such recognizance; and the court at such general or quarter sessions are hereby required to hear and determine the matter of such appeal, and may award such costs to the party appealing or appealed against as they or he shall think proper.

Appeal to  
quarter ses-  
sions.

In Ireland any person who has been convicted of any offence punishable by this Act may appeal to the next court of quarter sessions to be held in the same division of the county where the conviction shall be made by any justice or justices in any petty sessions district, or to the recorder at his next sessions where the conviction shall be made by the divisional justices in the police district of Dublin metropolis, or to the recorder of any corporate or borough town when the conviction shall be made by any justice or justices in such corporate or borough town (unless when any such sessions shall commence within ten days from the date of any such conviction, in which case if the appellant sees fit, the appeal

A.D. 1875. — may be made to the next succeeding sessions to be held for such division or town), and it shall be lawful for such court of quarter sessions or recorder (as the case may be) to decide such appeal, if made in such form and manner and with such notices as are required by the Petty Sessions Acts respectively herein-before mentioned as to appeals against orders made by justices at petty sessions, and all the provisions of the said Petty Sessions Acts respectively as to making appeals and as to executing the orders made on appeal, or the original orders where the appeals shall not be duly prosecuted, shall also apply to any appeal made under this Act.

In any prosecution defendant to prove that he is protected by exception or provision.

Defendant to be discharged if he prove that he bought the article in the same state as sold, and with a warranty. No costs except on issues proved against him.

24. In any prosecution under this Act, where the fact of an article having been sold in a mixed state has been proved if the defendant shall desire to rely upon any exception or provision contained in this Act, it shall be incumbent upon him to prove the same.

25. If the defendant in any prosecution under this Act prove to the satisfaction of the justices or court that he had purchased the article in question as the same in nature, substance, and quality as that demanded of him by the prosecutor, and with a written warranty to that effect, that he had no reason to believe at the time when he sold it that the article was otherwise, and that he sold it in the same state as when he purchased it he shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor, unless he shall have given due notice to him that he will rely on the above defence.

Application of penalties.

26. Every penalty imposed and recovered under this Act shall be paid in the case of a prosecution by an officer, inspector, or constable of the authority who shall have appointed an analyst or agreed to the acting of an analyst within their district, to such officer, inspector, or constable, and shall be by him paid to the authority for whom he acts, and be applied towards the expenses of executing this Act, any Statute to the contrary notwithstanding; but in the case of any other prosecution the same shall be paid and applied in England according to the law regulating the application of penalties for offences punishable in a summary manner, and in Ireland in the manner directed by the Fines Act, Ireland, 1851, and the Acts amending the same.

Punishment for forging certificate or warranty;

27. Any person who shall forge, or shall utter, knowing it to be forged for the purposes of this Act, any certificate or any writing purporting to contain a warranty, shall be guilty of a misdemeanor and be punishable on conviction by imprisonment for a term of not exceeding two years with hard labour;

Every person who shall wilfully apply to an article of food, or a drug, in any proceedings under this Act, a certificate or warranty given in relation to any other article or drug, shall be guilty of an offence under this Act, and be liable to a penalty not exceeding twenty pounds; A.D. 1876.  
for wilful misapplication of warranty;

Every person who shall give a false warranty in writing to any purchaser in respect of an article of food or a drug sold by him as principal or agent, shall be guilty of an offence under this Act, and be liable to a penalty not exceeding twenty pounds; for false warranty;

And every person who shall wilfully give a label with any article sold by him which shall falsely describe the article sold, shall be guilty of an offence under this Act, and be liable to a penalty not exceeding twenty pounds. for false label.

28. Nothing in this Act contained shall affect the power of proceeding by indictment, or take away any other remedy against any offender under this Act, or in any way interfere with contracts and bargains between individuals, and the rights and remedies belonging thereto. Proceedings by indictment and contracts not to be affected.

Provided that in any action brought by any person for a breach of contract on the sale of any article of food or of any drug, such person may recover alone or in addition to any other damages recoverable by him the amount of any penalty in which he may have been convicted under this Act, together with the costs paid by him upon such conviction and those incurred by him in and about his defence thereto, if he prove that the article or drug the subject of such conviction was sold to him as and for an article or drug of the same nature, substance, and quality as that which was demanded of him, and that he purchased it not knowing it to be otherwise, and afterwards sold it in the same state in which he purchased it; the defendant in such action being nevertheless at liberty to prove that the conviction was wrongful, or that the amount of costs awarded or claimed was unreasonable.

#### *Expenses of executing the Act.*

29. The expenses of executing this Act shall be borne, in the city of London and the liberties thereof, by the consolidated rates raised by the Commissioners of Sewers of the city of London and the liberties thereof, and in the rest of the metropolis by any rates or funds applicable to the purposes of the Act for the better local management of the metropolis, and otherwise as regards England, in counties by the county rate, and in boroughs by the borough fund or rate; Expenses of executing Act.

A.D. 1875.

And as regards Ireland, in counties by the grand jury cess, and in boroughs by the borough fund or rate; all such expenses payable in any county out of grand jury cess shall be paid by the treasurer of such county; and

The grand jury of any such county shall, at any assizes at which it is proved that any such expenses have been incurred or paid without previous application to presentment sessions, present to be raised off and paid by such county the moneys required to defray the same.

*Special Provision as to Tea.*

Tea to be  
examined by  
the Customs  
on importa-  
tion.

30. From and after the first day of January one thousand eight hundred and seventy-six all tea imported as merchandise into and landed at any port in Great Britain or Ireland shall be subject to examination by persons to be appointed by the Commissioners of Customs, subject to the approval of the Treasury, for the inspection and analysis thereof, for which purpose samples may, when deemed necessary by such inspectors, be taken and with all convenient speed be examined by the analysts to be so appointed; and if upon such analysis the same shall be found to be mixed with other substances or exhausted tea, the same shall not be belivered unless with the sanction of the said commissioners, and on such terms and conditions as they shall see fit to direct, either for home consumption or for use as ships stores or for exportation; but if on such inspection and analysis it shall appear that such tea is in the opinion of the analyst unfit for human food, the same shall be forfeited and destroyed or otherwise disposed of in such manner as the said commissioners may direct.

Interpreta-  
tion of Act.

31. Tea to which the term "exhausted" is applied in this Act shall mean and include any tea which has been deprived of its proper quality, strength, or virtue by steeping, infusion, decoction, or other means.

Provision  
for the  
liberty of a  
cinque port.

32. For the purposes of this Act every liberty of a cinque port not comprised within the jurisdiction of a borough shall be part of the county in which it is situated, and subject to the jurisdiction of the justices of such county.

Application  
of the Act  
to Scotland.

33. In the application of this Act to Scotland the following provisions shall have effect:

1. The term "misdemeanor" shall mean "a crime or offence;"
2. The term "defendant" shall mean "defender" and include "respondent;"



3. The term "information" shall include "complaint:"
4. This Act shall be read and construed as if for the term "justices," wherever it occurs therein, the term "sheriff" were substituted:
5. The term "sheriff" shall include "sheriff substitute:"
6. The term "borough" shall mean any royal burgh and any burgh returning or contributing to return a member to Parliament:
7. The expenses of executing this Act shall be borne in Scotland, in counties, by the county general assessment, and in burghs by the police assessment:
8. This Act shall be read and construed as if for the expression "the Local Government Board," wherever it occurs therein, the expression "one of Her Majesty's Principal Secretaries of State" were substituted:
9. All penalties provided by this Act to be recovered in a summary manner shall be recovered before the sheriff of the county in the sheriff court, or at the option of the person seeking to recover the same in the police court, in any place where a sheriff officiates as a police magistrate under the provisions of "The Summary Procedure Act, 1864," or of the Police Act in force for the time in any place in which a sheriff officiates as aforesaid, and all the jurisdiction, powers, and authorities necessary for this purpose are hereby conferred on sheriffs:

Every such penalty may be recovered at the instance of the prosecutor fiscal of the jurisdiction, or of the person who caused the analysis to be made from which it appeared that an offence had been committed against some one of the provisions of this Act:

Every penalty imposed and recovered under this Act shall be paid to the clerk of court, and by him shall be accounted for and paid to the treasurer of the county general assessment, or the police assessment of the burgh, as the sheriff shall direct:

10. Every penalty imposed by this Act may be reduced or mitigated according to the judgment of the sheriff:
11. It shall be competent to any person aggrieved by any conviction by a sheriff in any summary proceeding under this Act to appeal against the same to the next circuit court, or where there are no circuit courts to the High Court of Justiciary at Edinburgh, in the manner prescribed by such of the provisions of the Act of the twentieth year of the



A.D. 1875.

reign of King George the Second, chapter forty-three, and any Acts amending the same, as relate to appeals in matters criminal, and by and under the rules, limitations, conditions, and restrictions contained in the said provisions.

Interpreta-  
tion of terms  
in applica-  
tion of Act  
to Ireland.

**34.** In the application of this Act to Ireland,—

The term “borough” shall mean any borough subject to the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, intituled “An Act for the regulation of Municipal Corporations in Ireland:”

The term “county” shall include a county of a city and a county of a town not being a borough :

The term “assizes” shall, with respect to the county of Dublin, mean “presenting term:”

The term “treasurer of the county” shall include any person or persons or bank in any county performing duties analogous to those of the treasurer of the county in counties, and, with respect to the county of Dublin, it shall mean the finance committee :

The term “police constable” shall mean, with respect to the police district of Dublin Metropolis, constable of the Dublin Metropolitan Police, and with respect to any other part of Ireland, constable of the Royal Irish Constabulary.

Commence-  
ment of the  
Act.

**35.** This Act shall commence on the first day of October one thousand eight hundred and seventy-five.

Title of the  
Act.

**36.** This Act may be cited as “The Sale of Food and Drugs Act, 1875.”

## SCHEDULE.

A.D. 1875.

## FORM OF CERTIFICATE.

To\*

I, the undersigned, public analyst for the  
do hereby certify that I received on the                      day of  
18   , from†                     , a sample of  
for analysis (which then weighed‡                     ), and have analysed the  
same, and declare the result of my analysis to be as follows:—

I am of opinion that the same is a sample of genuine

or,

I am of opinion that the said sample contained the parts as  
under, or the per-centages of foreign ingredients as under.

## Observations. §

As witness my hand this                      day of

A.B.,

at

\* Here insert the name of the person submitting the article for analysis.

† Here insert the name of the person delivering the sample.

‡ When the article cannot be conveniently weighed, this passage may be erased, or the blank may be left unfilled.

§ Here the analyst may insert at his discretion his opinion as to whether the mixture (if any) was for the purpose of rendering the article portable or palatable, or of preserving it, or of improving the appearance, or was unavoidable, and may state whether in excess of what is ordinary, or otherwise, and whether the ingredients or materials mixed are or are not injurious to health.

In the case of a certificate regarding milk, butter, or any article liable to decomposition, the analyst shall specially report whether any change had taken place in the constitution of the article that would interfere with the analysis.



# Factory and Workshop Act, 1878.

[41 VICT. CH. 16.]

## ARRANGEMENT OF SECTIONS.

A.D. 1878.

Section.

### *Preliminary.*

1. Short title.
2. Commencement of Act.

## PART I.

### GENERAL LAW RELATING TO FACTORIES AND WORKSHOPS.

#### (1.) *Sanitary Provisions.*

3. Sanitary condition of factory and workshop.
4. Notice by inspector to sanitary authority of sanitary defects in factory or workshop.

#### (2.) *Safety.*

5. Fencing of certain machinery.
6. Fencing of other dangerous machinery of which notice is given by inspector.
7. Fencing of dangerous vats or structures of which notice is given by inspector.
8. Fixing of grindstones securely and replacing of faulty grindstone when notice is given by inspector.
9. Restriction on cleaning of machinery while in motion, or working between parts of self-acting machinery.

#### (3.) *Employment and Meal Hours.*

10. Period of employment of children, young persons, and women.
11. Period of employment, &c. for young persons and women in a textile factory.
12. Period of employment for children in textile factory.
13. Period of employment, &c. for young persons and women in non-textile factory, and for young persons in workshop.

A.D. 1878. Section.

14. Period of employment for children in non-textile factory and workshop.
15. Period of employment, time for meals, and length of continuous employment for women in workshop.
16. Period of employment and time for meals for children and young persons in domestic workshop.
17. Meal times to be simultaneous, and employment during meal times forbidden.
18. Regulations as to period of employment on Saturday of young persons or women employed only eight hours a day.
19. Notice fixing period of employment, hours of meals, and mode of employment of children.
20. Prohibition of employment of children under ten.
21. Prohibition of employment of children, young persons, and women on Sunday.

(4.) *Holidays.*

22. Days to be observed as holidays, and half holidays to be allowed in factories and workshops.

(5.) *Education of Children.*

23. Attendance at school of children employed in a factory or workshop.
24. Obtaining of school attendance certificate by occupier of factory or workshop.
25. Payment by occupier on application of sum for schooling of child, and deduction of it from wages.
26. Employment as young person of child of 13 on obtaining an educational certificate.

(6.) *Certificates of Fitness for Employment.*

27. Certificate of fitness for employment of children and young persons under 16 in factories.
28. Certificate of fitness for employment of children and young persons under 16 in workshops.
29. Power of inspector to require surgical certificate of capacity of child or young person under 16 for work.
30. Supplemental provisions as to certificates of fitness for employment.



Section.

(7.) *Accidents.*

A.D. 1878.

31. Notice of accidents causing death or bodily injury.

32. Investigation of and report on accidents by certifying surgeon.

## PART II.

SPECIAL PROVISIONS RELATING TO PARTICULAR CLASSES OF  
FACORIES AND WORKSHOPS.(1.) *Special Provisions for Health in certain Factories and  
Workshops.*

33. Limewashing and washing of the interior of factories and workshops.

34. Limewashing, painting, and washing of the interior of bakehouses.

35. Provision as to sleeping places near bakehouses.

36. Provision as to ventilation by fan in factories and workshops.

37. Protection of workers in wet-spinning.

(2.) *Special Restrictions as to Employment, Meals, and Certificates  
of Fitness.*

38. Prohibition of employment of children and young persons in certain factories or workshops.

39. Prohibition of taking meals in certain parts of factories and workshops.

40. In print works and bleaching and dyeing works, period of employment and times allowed for meals.

41. Power to require certificates of fitness for employment of children and young persons under 16 in certain workshops.

(3.) *Special Exceptions relaxing General Law in certain Factories  
and Workshops.*(a.) *Period of Employment.*

42. Period of employment between 8 a.m. and 8 p.m. in certain cases.

43. Power to Secretary of State to allow period of employment between 9 a.m. and 9 p.m. in certain cases.

44. Power of working male young persons above 16 in lace factories.

45. Power of working male young persons above 16 in bakehouses.

A.D. 1878. Section.

46. Substitution by Secretary of State of another half holiday for Saturday.
47. Employment in Turkey red dyeing on Saturday up to 4.30 p.m.
48. Continuous employment of children, young persons, and women in certain cases.
49. Giving half holidays and holidays on different days to different sets of children, young persons, and women.
50. Employment of young persons and women by Jewish occupiers of factories or workshops.
51. Employment of Jews by Jews on Sunday.

*(b.) Meal Hours.*

52. Exception as to meal times being simultaneous, and as to employment or remaining in room where manufacturing process is carried on during meal times.

*(c.) Overtime.*

53. Power to employ young persons and women for 14 hours a day.
54. Power to employ for half an hour after end of work where process is in an incomplete state.
55. Employment of young persons, &c. in Turkey red dyeing and open-air bleaching.
56. Employment of women for 14 hours a day to preserve perishable articles.
57. Exception for factories driven by water power.

*(d.) Nightwork.*

58. Employment of male young persons at night.
59. Employment in certain letter-press printing works of male young persons of 16 at night.
60. Employment of male young persons in glass works.

*(4.) Special Exception for Domestic and certain other Factories and Workshops.*

61. Exception of domestic factories and workshops and certain other workshops from certain provisions of the Act.
62. Exception for certain descriptions of flax scutch mills from certain provisions of Act.

*(5.) Supplemental as to Special Provisions.*

63. Requirement of sanitary provisions as condition of special exceptions.

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- 64. Power to rescind order granting or extending exception.
- 65. Provisions as to order of Secretary of State.
- 66. Provisions as to occupier availing himself of special exceptions, and registry of work under them.

## PART III.

## ADMINISTRATION, PENALTIES, AND LEGAL PROCEEDINGS.

(1.) *Inspection.*

- 67. Appointment, payment, &c. of inspectors of factories, and clerks and servants.
- 68. Powers of inspectors.
- 69. Restriction on entry of inspector into dwellings.
- 70. Certificates of appointment of inspectors.

(2.) *Certifying Surgeons.*

- 71. Poor Law medical officers to act where no certifying surgeon within three miles.
- 72. Appointment of certifying surgeons.
- 73. Regulations as to the grant of certificates of fitness.
- 74. Fees of certifying surgeons for examination of children and young persons.

(3.) *Miscellaneous.*

- 75. Notice of factory to be given to inspector.
- 76. Regulation of hours by public clock.
- 77. Registers to be kept in a factory or workshop.
- 78. Affixing in factory or workshop of abstract of Act and notices.
- 79. Printing or writing and service of notices and documents, &c.
- 80. Inspection of weights and measures used in factories and workshops.

(4.) *Fines.*

- 81. Fine for not keeping factory or workshop in conformity with Act.
- 82. Penal compensation to person injured by want of fence to machinery, &c.

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- 83. Fine for employing children, young persons, and women contrary to the Act.
- 84. Fine on parent for allowing child or young person to be employed contrary to the Act, or neglecting to cause child to attend school.
- 85. Forgery of certificates, false entries and declarations.
- 86. Fine on person committing offence for which occupier is liable.
- 87. Power of occupier to exempt himself from fine on conviction of the actual offender.
- 88. Restraint on cumulative fines.

(5.) *Legal Proceedings.*

- 89. Prosecution of offences and recovery and application of fines.
- 90. Appeal to quarter sessions.
- 91. Limitation of time and general provisions as to summary proceedings.
- 92. Evidence in summary proceedings.

## PART IV.

## DEFINITIONS, SAVINGS, APPLICATION TO SCOTLAND AND IRELAND, AND REPEAL.

(1.) *Definitions.*

- 93. Factories and workshops to which Act applies.
- 94. Definition of employment and working for hire.
- 95. Definition of "certified efficient school:" "recognised efficient school."
- 96. General Definitions. "Child." "Young person." "Woman." "Parent." "Treasury." "Secretary of State." "Education Department." "Sanitary authority." "Person." "Week." "Night." "Prescribed." "Summary Jurisdiction Acts." "Court of summary jurisdiction." "Mill-gearing."

*Special exemption of certain Trades.*

- 97. Exemption of handicrafts in Fifth Schedule in private houses.
- 98. Exemption of certain home-work.

(2.) *Savings.*

- 99. Saving as to liability of hirer of machine where not occupier.
- 100. Saving for person employed in repair of machinery or of factory or workshop, or in process of curing fish.
- 101. Application to factories and workshops of 38 & 39 Vict. c. 55.
- 102. Construction of enactments, &c. referring to repealed Acts.

(3.) *Application of Act to Scotland and Ireland.*

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103. Temporary saving for employment of children under 10 and children over 13 in Scotland and Ireland.
104. Certificates of birth for purposes of Act.
105. Application of Act to Scotland.
106. Application of Act to Ireland.
- (4.) *Repeal.*
107. Repeal of Acts.

## SCHEDULES.

## FIRST SCHEDULE.

## SPECIAL PROVISIONS FOR HEALTH.

*Factories and Workshops in which the Employment of Young Persons and Children is restricted.*

1. Restriction of employment of young persons and children ;
2. Of children, &c. in glass works ;
3. Of girls under 16 in certain employments ;
4. Of children in metal grinding and lucifer-match dipping ;
5. Of child under 11 in dry grinding, &c.

## SECOND SCHEDULE.

## SPECIAL RESTRICTIONS.

*Places forbidden for Meals*

As to parts of factories or workshops in which children, young persons, and women are forbidden to take meals.

## THIRD SCHEDULE.

## SPECIAL EXCEPTIONS.

## PART ONE.

*Period of Employment.*

Employment of children, young persons, and women between 8 a.m. and 8 p.m. in certain trades.

## PART TWO.

*Meal Hours.*

Cases in which provisions as to meal times are not to apply.

## PART THREE.

*Overtime.*

Factories and workshops in which young persons and women may be allowed to work for 14 hours a day under certain restrictions.



## PART FOUR.

A.D. 1878.

*Additional Half Hour.*

Factories in which a child, young person, or woman may be employed for an additional half hour.

## PART FIVE.

*Overtime for Perishable Articles.*

Factories and workshops in which women may be employed for 14 hours a day.

## PART SIX.

*Night Work.*

Factories in which male young persons may be employed at night.

## PART SEVEN.

*Spell.*

Continuous employment of children, young persons, and women for five hours in certain textile factories during the winter months.

## FOURTH SCHEDULE.

## LIST OF FACTORIES AND WORKSHOPS.

## PART ONE.

*Non-textile Factories.*

“Print works.” “Bleaching and dyeing works.” “Earthenware works.” “Lucifer-match works.” “Percussion-cap works.” “Cartridge works.” “Paper-staining works.” “Fustian-cutting works.” “Blast furnaces.” “Copper mills.” “Iron mills.” “Foundries.” “Metal and india-rubber works.” “Paper mills.” “Glass works.” “Tobacco factories.” “Letter-press printing works.” “Bookbinding works.” “Flax scutch mills.”

## PART TWO.

*Non-textile Factories and Workshops.*

“Hat works.” “Rope works.” “Bakehouses.” “Lace ware-houses.” “Shipbuilding yards.” “Quarries.” “Pit-banks.”

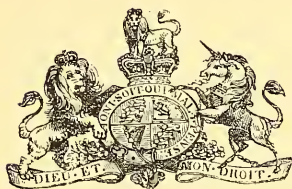
## FIFTH SCHEDULE.

## SPECIAL EXEMPTIONS.

Straw plaiting. Pillow-lace making. Glove making.

## SIXTH SCHEDULE.

*Acts repealed.*



## CHAPTER 16.

An Act to consolidate and amend the Law relating to A.D. 1878.  
Factories and Workshops. [27th May 1878.] —

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

*Preliminary.*

1. This Act may be cited as the Factory and Workshop Act, 1878 Short title.
2. This Act shall come into operation on the first day of January one thousand eight hundred and seventy-nine, which day is in this Act referred to as the commencement of this Act: Provided that at any time after the passing of this Act, any appointment, regulation, or order may be made, any notice issued, form prescribed, and act done which appears to a Secretary of State necessary or proper to be made, issued, prescribed, or done for the purpose of bringing this Act into operation at the commencement thereof. Commencement of Act.

## PART I.

## GENERAL LAW RELATING TO FACTORIES AND WORKSHOPS.

(1.) *Sanitary Provisions.*

3. A factory and a workshop shall be kept in a cleanly state and free from effluvia arising from any drain, privy, or other nuisance. Sanitary condition of factory and workshop.

A factory or workshop shall not be so overcrowded while work is carried on therein as to be injurious to the health of the persons employed therein, and shall be ventilated in such a manner as to render harmless, so far as is practicable, all the gases, vapours, dust, or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health.

A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act

A.D. 1878.

Notice by  
inspector to  
sanitary  
authority  
of sanitary  
defects in  
factory or  
workshop.

4. Where it appears to an inspector under this Act that any act, neglect, or default in relation to any drain, watercloset, earthcloset, privy, ashpit, water-supply, nuisance, or other matter in a factory or workshop is punishable or remediable under the law relating to public health, but not under this Act, that inspector shall give notice in writing of such act, neglect, or default to the sanitary authority in whose district the factory or workshop is situate, and it shall be the duty of the sanitary authority to make such inquiry into the subject of the notice, and take such action thereon, as to that authority may seem proper for the purpose of enforcing the law.

An inspector under this Act may, for the purposes of this section, take with him into a factory or a workshop a medical officer of health, inspector of nuisances, or other officer of the sanitary authority.

(2.) *Safety.*

Fencing of  
certain  
machinery.

5. With respect to the fencing of machinery in a factory the following provisions shall have effect :

- (1.) Every hoist or teagle near to which any person is liable to pass or to be employed, and every fly-wheel directly connected with the steam or water or other mechanical power, whether in the engine house or not, and every part of a steam engine and water wheel, shall be securely fenced ; and
- (2.) Every wheel-race not otherwise secured shall be securely fenced close to the edge of the wheel-race ; and
- (3.) Every part of the mill gearing shall either be securely fenced or be in such position or of such construction as to be equally safe to every person employed in the factory as it would be if it were securely fenced ; and
- (4.) All fencing shall be constantly maintained in an efficient state while the parts required to be fenced are in motion or use for the purpose of any manufacturing process.

A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

Fencing  
of other  
dangerous  
machinery,  
of which  
notice is  
given by  
inspector.

6. Where an inspector considers that in a factory any part of the machinery of any kind moved by steam, water, or other mechanical power, to which the foregoing provisions of this Act with respect to the fencing of machinery do not apply, is not securely fenced, and is so dangerous as to be likely to cause bodily injury to any person employed in the factory, the following provisions shall apply to the fencing of such machinery :

- (1.) The inspector shall serve on the occupier of the factory a notice requiring him to fence the part of the machinery which the inspector so deems to be dangerous :

- (2.) The occupier, within seven days after the receipt of the notice, may serve on the inspector a requisition to refer the matter to arbitration; and thereupon the matter shall be referred to arbitration, and two skilled arbitrators shall be appointed, the one by the inspector and the other by the occupier; and the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration shall, subject to the express provisions of this section, apply to the said arbitration, and the arbitrators or their umpire shall give the decision within twenty-one days after the last of the arbitrators, or, in the case of the umpire, after the umpire is appointed, or within such further time as the occupier and inspector, by writing, allow; and if the decision is not so given the matter shall be referred to the arbitration of an umpire to be appointed by the judge of the county court within the jurisdiction of which the factory is situate: A.D. 1878.  
—  
8 & 9 Vict.  
c. 16.
- (3.) If the arbitrators or their umpire decide that it is unnecessary or impossible to fence the machinery alleged in the notice to be dangerous, the notice shall be cancelled, and the occupier shall not be required to fence in pursuance thereof, and the expenses of the arbitration shall be paid as the expenses of the inspectors under this Act:
- (4.) If the occupier does not, within the said seven days, serve on the inspector a requisition to refer the matter to arbitration or does not appoint an arbitrator within seven days after he served that requisition, or if neither the arbitrators nor the umpire decide that it is unnecessary or impossible to fence the machinery alleged in the notice to be dangerous, the occupier shall securely fence the said machinery in accordance with the notice, or with the award of the arbitrators or umpire if it modifies the notice, and the expenses of the arbitration shall be paid by the occupier, and shall be recoverable from him by the inspector in the county court:
- (5.) Where the occupier of a factory fails to comply within a reasonable time with the requirements of this section as to securely fencing the said machinery in accordance with the notice or award, or fails to keep the said machinery securely fenced in accordance therewith, or fails constantly to maintain such fencing in an efficient state while the machinery required to be fenced is in motion for the purpose of any manufacturing process, the factory shall be deemed not to be kept in conformity with this Act:

A.D. 1878.

Fencing of dangerous vats or structures of which notice is given by inspector.

(6.) For the purpose of this section and of any provisions of this Act relating thereto, "machinery" shall be deemed to include any driving strap or band.

7. Where an inspector considers that in a factory or workshop a vat, pan, or other structure, which is used in the process or handicraft carried on in such factory or workshop, and near to or over which children or young persons are liable to pass or to be employed is so dangerous, by reason of its being filled with hot liquid or molten metal or otherwise, as to be likely to be a cause of bodily injury to any child or young person employed in the factory or workshop, he shall serve on the occupier of the factory or workshop a notice requiring him to fence such vat, pan, or other structure.

The provisions of this Act with respect to the fencing of machinery which an inspector considers not to be securely fenced and to be dangerous shall apply in like manner as if they were re-enacted in this section, with the substitution of the vat, pan, or other structure, for machinery, and with the addition of workshop, and if the occupier of a factory or workshop fails constantly to maintain the fencing required under this section in an efficient state, while such vat, pan, or other structure is so filled or otherwise dangerous as aforesaid, the factory or workshop shall be deemed not to be kept in conformity with this Act.

Fixing of grindstones securely and replacing of faulty grindstone when notice is given by inspector.

8. Where an inspector observes in a factory that any grindstone, worked by steam, water, or other mechanical power is in itself so faulty, or is fixed in so faulty a manner as to be likely to cause bodily injury to the grinder using the same, he shall serve on the occupier of the factory a notice requiring him to replace such faulty grindstone, or to properly fix the grindstone fixed in the faulty manner.

The provisions of this Act with respect to the fencing of machinery which an inspector considers not to be securely fenced and to be dangerous shall apply in like manner as if they were re-enacted in this section with the necessary modifications.

Where the occupier of a factory fails to keep the grindstone mentioned in the notice or award in such a state and fixed in such manner as not to be dangerous, the factory shall be deemed not to be kept in conformity with this Act.

Restriction on cleaning of machinery while in motion or working between parts of self-acting machinery.

9. A child shall not be allowed to clean any part of the machinery in a factory while the same is in motion by the aid of steam, water, or other mechanical power.

A young person or woman shall not be allowed to clean such part of the machinery in a factory as is mill-gearing while the same is in motion for the purpose of propelling any part of the manufacturing machinery.

A child, young person, or woman shall not be allowed to work between the fixed and traversing part of any self-acting machine



while the machine is in motion by the action of steam, water, or other mechanical power. A.D. 1878.

A child, young person, or woman allowed to clean or to work in contravention of this section shall be deemed to be employed contrary to the provisions of this Act.

(3.) *Employment and Meal Hours.*

10. A child, young person, or woman shall not be employed in a factory or a workshop except during the period of employment herein-after mentioned.

Period of employment of children, young persons, and women.

11. With respect to the employment of young persons and women in a textile factory the following regulations shall be observed :

Period of employment, &c. for young persons and women in a textile factory.

(1.) The period of employment, except on Saturday, shall either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening ; and

(2.) The period of employment on Saturday shall begin either at six o'clock or at seven o'clock in the morning ; and

(3.) Where the period of employment on Saturday begins at six o'clock in the morning, that period—

(a.) If not less than one hour is allowed for meals, shall end at one o'clock in the afternoon as regards employment in any manufacturing process, and at half-past one o'clock in the afternoon as regards employment for any purpose whatever ; and

(b.) If less than one hour is allowed for meals, shall end at half-an-hour after noon as regards employment in any manufacturing process, and at one o'clock in the afternoon as regards employment for any purpose whatever ; and

(4.) Where the period of employment on Saturday begins at seven o'clock in the morning, that period shall end at half-past one o'clock in the afternoon as regards any manufacturing process, and at two o'clock in the afternoon as regards employment for any purpose whatever ; and

(5.) There shall be allowed for meals during the said period of employment in the factory—

(a.) on every day except Saturday not less than two hours, of which one hour at the least, either at the same time or at different times, shall be before three o'clock in the afternoon ; and

(b.) on Saturday not less than half-an-hour ; and

(6.) A young person or woman shall not be employed continuously for more than four hours and a half, without an interval of at least half-an-hour for a meal.

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Period of  
employment  
for children  
in textile  
factory.

12. With respect to the employment of children in a textile factory the following regulations shall be observed—

- (1.) Children shall not be employed except on the system either of employment in morning and afternoon sets, or of employment on alternate days only; and
- (2.) The period of employment for a child in a morning set shall, except on Saturday, begin at the same hour as if the child were a young person, and end at one o'clock in the afternoon, or, if the dinner time begins before one o'clock, at the beginning of dinner time; and
- (3.) The period of employment for a child in an afternoon set shall, except on Saturday, begin at one o'clock in the afternoon, or at any later hour at which the dinner time terminates, and end at the same hour as if the child were a young person; and
- (4.) The period of employment for any child on Saturday shall begin and end at the same hour as if the child were a young person; and
- (5.) A child shall not be employed in two successive periods of seven days in a morning set, nor in two successive periods of seven days in an afternoon set, and a child shall not be employed on two successive Saturdays, nor on Saturday in any week if on any other day in the same week his period of employment has exceeded five hours and a half; and
- (6.) When a child is employed on the alternate day system the period of employment for such child and the time allowed for meals shall be the same as if the child were a young person, but the child shall not be employed on two successive days, and shall not be employed on the same day of the week in two successive weeks; and
- (7.) A child shall not on either system be employed continuously for any longer period than he could be if he were a young person without an interval of at least half-an-hour for a meal.

Period of  
employment,  
&c. for young  
persons and  
women in  
non-textile  
factory, and  
for young  
persons in  
workshop.

13. With respect to the employment of young persons and women in a non-textile factory, and of young persons in a workshop, the following regulations shall be observed:

- (1.) The period of employment, except on Saturday, shall (save as is in this Act specially excepted) either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening; and
- (2.) The period of employment on Saturday shall (save as is in this Act specially excepted) begin at six o'clock in the

morning or at seven o'clock in the morning, and end at two o'clock in the afternoon; and A.D. 1878.

(3.) There shall be allowed for meals during the said period of employment in the factory or workshop—

(a.) on every day except Saturday not less than one hour and a half, of which one hour at the least, either at the same time or at different times, shall be before three o'clock in the afternoon; and

(b.) on Saturday not less than half-an-hour; and

(4.) A young person or a woman in a non-textile factory and a young person in a workshop shall not be employed continuously for more than five hours without an interval of at least half-an-hour for a meal.

14. With respect to the employment of children in a non-textile factory and a workshop the following regulations shall be observed: Period of employment for children in non-textile factory and workshop.

(1.) Children shall not be employed except either on the system of employment in morning and afternoon sets, or (in a factory or workshop in which not less than two hours are allowed for meals on every day except Saturday) on the system of employment on alternate days only; and

(2.) The period of employment for a child in the morning set on every day, including Saturday, shall begin at six or seven o'clock in the morning and end at one o'clock in the afternoon, or, if the dinner time begins before one o'clock, at the beginning of dinner time; and

(3.) The period of employment for a child in an afternoon set on every day, including Saturday, shall begin at one o'clock in the afternoon, or at any hour later than half-past twelve o'clock at which the dinner time terminates, and end on Saturday at two o'clock in the afternoon, and on any other day at six or seven o'clock in the evening, according as the period of employment for children in the morning set began at six or seven o'clock in the morning; and

(4.) A child shall not be employed in two successive periods of seven days in a morning set, nor in two successive periods of seven days in an afternoon set, and a child shall not be employed on Saturday in any week in the same set in which he has been employed on any other day of the same week; and

(5.) When a child is employed on the alternate day system—

(a.) The period of employment for such child shall, except on Saturday, either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening; and

A.D. 1878.

- (b.) The period of employment for such child shall on Saturday begin at six or seven o'clock in the morning, and end at two o'clock in the afternoon; and
- (c.) There shall be allowed to such child for meals during the said period of employment not less, on any day except Saturday, than two hours, and on Saturday than half an hour; but
- (d.) The child shall not be employed in any manner on two successive days, and shall not be employed on the same day of the week in two successive weeks; and
- (6.) A child shall not on either system be employed continuously for more than five hours without an interval of at least half-an-hour for a meal.

Period of employment, time for meals, and length of continuous employment for women in workshop.

15. With respect to the employment of women in workshops, the following regulations shall be observed:

- (1.) In a workshop which is conducted on the system of employing therein children and young persons, or either of them, a woman shall not be employed except during the same period and subject to the same restrictions as if she were a young person; and the regulations of this Act with respect to the employment of young persons in a workshop shall apply accordingly to the employment of women in that workshop; and
- (2.) In a workshop which is conducted on the system of not employing therein either children or young persons—
  - (a.) The period of employment for a woman shall, except on Saturday, begin at six o'clock in the morning and end at nine o'clock in the evening, and shall on Saturday begin at six o'clock in the morning and end at four o'clock in the afternoon; and
  - (b.) There shall be allowed to a woman for meals and absence from work during the period of employment not less, except on Saturday, than four hours and a half, and on Saturday than two hours and a half.

A workshop shall not be deemed to be conducted on the system of not employing therein either children or young persons until the occupier has served on an inspector notice of his intention to conduct his workshop on that system.

Period of employment and time for meals for children and young per

16. Where persons are employed at home, that is to say, in a private house, room, or place which, though used as a dwelling, is by reason of the work carried on there a factory or workshop within the meaning of this Act, and in which neither steam, water, nor

other mechanical power is used in aid of the manufacturing process carried on there, and in which the only persons employed are members of the same family dwelling there, the foregoing regulations of this Act with respect to the employment of children, young persons, and women shall not apply to such factory or workshop, and in lieu thereof the following regulations shall be observed therein : A.D. 1878.  
sons in  
domestic  
workshop.

- (1.) A child or young person shall not be employed in the factory or workshop except during the period of employment herein-after mentioned ; and
- (2.) The period of employment for a young person shall, except on Saturday, begin at six o'clock in the morning and end at nine o'clock in the evening, and shall on Saturday begin at six o'clock in the morning and end at four o'clock in the afternoon ; and
- (3.) There shall be allowed to every young person for meals and absence from work during the period of employment not less, except on Saturday, than four hours and a half, and on Saturday than two hours and a half ; and
- (4.) The period of employment for a child on every day either shall begin at six o'clock in the morning and end at one o'clock in the afternoon, or shall begin at one o'clock in the afternoon and end at eight o'clock in the evening or on Saturday at four o'clock in the afternoon ; and for the purpose of the provisions of this Act respecting education such child shall be deemed, according to circumstances, to be employed in a morning or afternoon set ; and
- (5.) A child shall not be employed before the hour of one in the afternoon in the two successive periods of seven days, nor after that hour in two successive periods of seven days, and a child shall not be employed on Saturday in any week before the hour of one in the afternoon, if on any other day in the same week he has been employed before that hour, nor after that hour if on any other day of the same week he has been employed after that hour ; and
- (6.) A child shall not be employed continuously for more than five hours without an interval of at least half-an-hour for a meal.

17. With respect to meals the following regulations shall (save as is in this Act specially excepted) be observed in a factory and workshop :

- (1.) All children, young persons, and women employed therein shall have the times allowed for meals at the same hour of the day ; and

Meal times to be simultaneous, and employment during meal times forbidden.



A.D. 1878.

- (2.) A child, young person, or woman shall not during any part of the times allowed for meals in the factory or workshop, be employed in the factory or the workshop, or be allowed to remain in a room in which a manufacturing process or handicraft is then being carried on.

Regulations as to employment on Saturday of young persons or women employed only eight hours a day.

Notice fixing period of employment, hours of meals, and mode of employment of children.

18. The period of employment on Saturday for a young person or woman in a non-textile factory or workshop may be of the same length as on any other day if the period of employment of such young person or woman has not exceeded eight hours on any day of the same week, and if notice has been affixed in the factory or workshop and served on the inspector.

19. The occupier of a factory or workshop may from time to time fix within the limits allowed by this Act, and shall (save as is in this Act specially excepted) specify in a notice affixed in the factory or workshop, the period of employment, the times allowed for meals, and whether the children are employed on the system of morning and afternoon sets or of alternate days.

The period of employment and the times allowed for meals in the factory or workshop shall be deemed to be the period and the times specified in the notice affixed in the factory or workshop; and all the children in the factory or workshop shall be employed either on the system of morning and afternoon sets or on the system of alternate days according to the system for the time being specified in such notice :

Provided that a change in such period or times or system of employment shall not be made until after the occupier has served on an inspector and affixed in the factory or workshop notice of his intention to make such change, and shall not be made oftener than once a quarter, unless for special cause allowed in writing by an inspector.

Prohibition of employment of children under; ten.

Prohibition of employment of children, young persons, and women on Sunday.

20. A child under the age of ten years shall not be employed in a factory or workshop.

21. A child, young person, or woman shall not (save as is in this Act specially excepted) be employed on Sunday in a factory or workshop.

#### (4.) Holidays.

Days to be observed as holidays, and half holidays to be allowed in factories and work-shops.

22. The occupier of a factory or of a workshop shall (save as is in this Act specially excepted) allow to every child, young person, and woman employed therein the following holidays; that is to say,

- (1.) The whole of Christmas Day, and the whole either of Good Friday or, if it is so specified by the occupier in the notice

affixed in the factory or workshop, of the next public holiday under the Holidays Extension Act, 1875; and in addition

A.D. 1878.  
38 & 39 Vict.  
c. 13.

- (2.) Eight half holidays in every year, but a whole holiday may be allowed in lieu of any two such half holidays; and
- (3.) At least half of the said half holidays or whole holidays shall be allowed between the fifteenth day of March and the first day of October in every year; and
- (4.) Cessation from work shall not be deemed to be a half holiday or whole holiday, unless a notice of the half holiday or whole holiday has been affixed in the factory or workshop for at least the whole period of employment of young persons and women on the last previous work day but one; and
- (5.) A half holiday shall comprise at least one half of the period of employment for young persons and women on some day other than Saturday.

A child, young person, or woman who—

- (a.) On a whole holiday fixed by or in pursuance of this section for a factory or workshop is employed in the factory or workshop, or
- (b.) On a half holiday fixed in pursuance of this section for a factory or workshop is employed in the factory or workshop during the portion of the period of employment assigned for such half holiday,

shall be deemed to be employed contrary to the provisions of this Act.

If in a factory or workshop such whole holidays or half holidays as required by this section are not fixed in conformity therewith, the occupier of the factory or workshop shall be liable to a fine not exceeding five pounds.

#### (5.) *Education of Children.*

**23.** The parent of a child employed in a factory or in a workshop shall cause that child to attend some recognised efficient school (which school may be selected by such parent), as follows:

Attendances  
at school of  
children  
employed in  
a factory or  
workshop.

- (1.) The child, when employed in a morning or afternoon set, shall in every week, during any part of which he is so employed, be caused to attend on each work day for at least one attendance; and
- (2.) The child, when employed on the alternate day system, shall on each work day preceding each day of employment in the factory or workshop be caused to attend for at least two attendances;

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- (3.) An attendance for the purposes of this section shall be an attendance as defined for the time being by a Secretary of State with the consent of the Education Department, and be between the hours of eight in the morning and six in the evening :

Provided that—

- (a.) A child shall not be required by this Act to attend school on Saturday or on any holiday or half holiday allowed under this Act in the factory or workshop in which the child is employed ; and
- (b.) The non-attendance of the child shall be excused on every day on which he is certified by the teacher of the school to have been prevented from attending by sickness or other unavoidable cause, also when the school is closed during the ordinary holidays or for any other temporary cause ; and
- (c.) Where there is not within the distance of two miles, measured according to the nearest road, from the residence of the child a recognised efficient school which the child can attend, attendance at a school temporarily approved in writing by an inspector under this Act, although not a recognised efficient school, shall for the purposes of this Act be deemed attendance at a recognised efficient school until such recognised efficient school as aforesaid is established, and with a view to such establishment the inspector shall immediately report to the Education Department every case of the approval of a school by him under this section.

A child who has not in any week attended school for all the attendances required by this section shall not be employed in the following week until he has attended school for the deficient number of attendances.

The Education Department shall from time to time, by the publication of lists or by notices or otherwise as they think expedient, provide for giving to all persons interested information of the schools in each school district which are recognised efficient schools.

Obtaining of  
school at-  
tendance cer-  
tificate by  
occupier of  
factory or  
workshop.

24. The occupier of a factory or workshop in which a child is employed shall on Monday in every week (after the first week in which such child began to work therein), or on some other day appointed for that purpose by an inspector, obtain from the teacher of the recognised efficient school attended by the child, a certificate

(according to the prescribed form and directions) respecting the attendance of such child at school in accordance with this Act.

A.D. 1878.

The employment of a child without obtaining such certificate as is required by this section shall be deemed to be employment of a child contrary to the provisions of this Act.

The occupier shall keep every such certificate for two months after the date thereof, if the child so long continues to be employed in his factory or his workshop, and shall produce the same to an inspector when required during that period.

25. The board authority or persons who manage a recognised efficient school attended by a child employed in a factory or workshop, or some person authorised by such board authority or person, may apply in writing to the occupier of the factory or workshop to pay a weekly sum specified in the application, not exceeding threepence and not exceeding one twelfth part of the wages of the child, and after that application the occupier, so long as he employs the child, shall be liable to pay to the applicants, while the child attends their school, the said weekly sum, and the sum may be recovered as a debt, and the occupier may deduct the sum so paid by him from the wages payable for the services of the child.

Payment by occupier on application of sum for schooling of child, and deduction of it from wages.

26. When a child of the age of thirteen years has obtained from a person authorised by the Education Department a certificate of having attained such standard of proficiency in reading, writing, and arithmetic, or such standard of previous due attendance at a certified efficient school, as herein-after mentioned, that child shall be deemed to be a young person for the purposes of this Act.

Employment as young person of child of 13 on obtaining an educational certificate.

The standards of proficiency and due attendance for the purposes of this section shall be such as may be from time to time fixed for the purposes of this Act by a Secretary of State, with the consent of the Education Department, and the standards so fixed shall be published in the London Gazette, and shall not have effect until the expiration of at least six months after such publication.

Attendance at a certified day industrial school shall be deemed for the purposes of this section to be attendance at a certified efficient school.

#### (6.) *Certificates of Fitness for Employment.*

27. In a factory a child or a young person under the age of sixteen years shall not be employed for more than seven, or if the certifying surgeon for the district resides more than three miles from the factory thirteen, work days, unless the occupier of the factory has obtained a certificate, in the prescribed form, of the fitness of such child or young person for employment in that factory.

Certificate of fitness for employment of children and young persons under 16 in factories.

A.D. 1878.

A certificate of fitness for employment for the purposes of this Act shall be granted by the certifying surgeon for the district, and shall be to the effect that he is satisfied, by the production of a certificate of birth or other sufficient evidence, that the person named in the certificate of fitness is of the age therein specified, and has been personally examined by him, and is not incapacitated by disease or bodily infirmity for working daily for the time allowed by law in the factory named in the certificate.

Certificate of fitness for employment of children and young persons under 16 in workshops.

28. In order to enable occupiers of workshops to better secure the observance of this Act, and prevent the employment in their workshops of children and young persons under the age of sixteen years who are unfitted for that employment, an occupier of a workshop is hereby authorised to obtain, if he thinks fit, from the certifying surgeon for the district, certificates of the fitness of children and of young persons under the age of sixteen years for employment in his workshop, in like manner as if that workshop were a factory, and the certifying surgeon shall examine the children and young persons, and grant certificates accordingly.

Power of inspector to require surgical certificate of capacity of child or young person under 16 for work.

29. Where an inspector is of opinion that a child or a young person under the age of sixteen years is by disease or bodily infirmity incapacitated for working daily for the time allowed by law in the factory or workshop in which he is employed, he may serve written notice thereof on the occupier of the factory or workshop requiring that the employment of such child or young person be discontinued from the period named therein, not being less than one nor more than seven days after the service of such notice, and the occupier shall not continue after the period named in such notice to employ such child or young person (notwithstanding a certificate of fitness has been previously obtained for such child or young person), unless the certifying surgeon for the district has, after the service of the notice, personally examined such child or young person, and has certified that such child or young person is not so incapacitated as aforesaid.

Supplemental provisions as to certificates of fitness for employment.

30. All factories and workshops in the occupation of the same occupier, and in the district of the same certifying surgeon, or any of them, may be named in the certificate of fitness for employment, if the surgeon is of opinion that he can truly give the certificate for employment therein.

The certificate of birth (which may be produced to a certifying surgeon) shall either be a certified copy of the entry in the register of births, kept in pursuance of the Acts relating to the registration of births, of the birth of the child or young person (whether such copy be obtained in pursuance of the Elementary Education Act,



1876, or otherwise), or be a certificate from a local authority within the meaning of the Elementary Education Act, 1876, to the effect that it appears from the returns transmitted to such authority in pursuance of the said Act by the registrar of births and deaths that the child was born at the date named in the certificate.

A.D. 1878.  
39 & 40 Vict.  
c. 79.

Where a certificate of fitness for employment is to the effect that the certifying surgeon has been satisfied of the age of a child or young person by evidence other than the production of a certificate of birth, an inspector may, by notice in writing, annul the surgeon's certificate, if he has reasonable cause to believe that the real age of the child or young person named in it is less than that mentioned in the certificate, and thereupon that certificate shall be of no avail for the purposes of this Act.

When a child becomes a young person a fresh certificate of fitness must be obtained.

The occupier shall, when required, produce to an inspector at the factory or workshop in which a child or young person is employed, the certificate of fitness of such child or young person for employment, which he is required to obtain under this Act.

#### (7.) *Accidents.*

**31.** Where there occurs in a factory or a workshop any accident which either—

- (a.) causes loss of life to a person employed in the factory or in the workshop, or
- (b.) causes bodily injury to a person employed in the factory or in the workshop, and is produced either by machinery moved by steam, water, or other mechanical power, or through a vat, pan, or other structure filled with hot liquid or molten metal or other substance, or by explosion, or by escape of gas, steam, or metal, and is of such a nature as to prevent the person injured by it from returning to his work in the factory or workshop within forty-eight hours after the occurrence of the accident,

Notice of  
accidents  
causing death  
or bodily  
injury.

written notice of the accident shall forthwith be sent to the inspector and to the certifying surgeon for the district, stating the residence of the person killed or injured, or the place to which he may have been removed, and if any such notice is not sent the occupier of the factory or workshop shall be liable to a fine not exceeding five pounds.

If any such accident as aforesaid occurs to a person employed in an iron mill or blast furnace, or other factory or workshop where the occupier is not the actual employer of the person killed or

A.D. 1878. — injured, the actual employer shall immediately report the same to the occupier, and in default shall be liable to a fine not exceeding five pounds.

38 & 39 Vict. c. 17. A notice of an accident, of which notice is required by section sixty-three of the Explosives Act, 1875, to be sent to a government inspector, need not be sent to the certifying surgeon in pursuance of this section.

Investigation of and report on accidents by certifying surgeon.

**32.** Where a certifying surgeon receives in pursuance of this Act notice of an accident in a factory or a workshop, he shall with the least possible delay proceed to the factory or workshop, and make a full investigation as to the nature and cause of the death or injury caused by that accident, and within the next twenty-four hours send to the inspector a report thereof.

The certifying surgeon, for the purpose only of an investigation under this section, shall have the same powers as an inspector, and shall also have power to enter any room in a building to which the person killed or injured has been removed.

There shall be paid to the said surgeon for the investigation such fee, not exceeding ten nor less than three shillings, as a Secretary of State considers reasonable, which fee shall be paid as expenses incurred by a Secretary of State in the execution of this Act.

## PART II.

### SPECIAL PROVISIONS RELATING TO PARTICULAR CLASSES OF FACORIES AND WORKSHOPS.

#### (1.) *Special Provisions for Health in certain Factories and Workshops.*

Limewashing and washing of the interior of factories and workshops.

**33.** For the purpose of securing the observance of the requirements of this Act as to cleanliness in every factory and workshop, all the inside walls of the rooms of a factory or workshop, and all the ceilings or tops of such rooms (whether such walls, ceilings, or tops be plastered or not), and all the passages and staircases of a factory or workshop, if they have not been painted with oil or varnished once at least within seven years, shall be limewashed once at least within every fourteen months, to date from the period when last limewashed; and if they have been so painted or varnished shall be washed with hot water and soap once at least within every fourteen months, to date from the period when last washed.

A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

Where it appears to a Secretary of State that in any class of factories or workshops, or parts thereof, the regulations in this section are not required for the purpose of securing therein the observance of the requirements of this Act as to cleanliness, or are by reason of special circumstances inapplicable, he may, if he thinks fit, by order made under this part of this Act, grant to such class of factories or workshops, or parts thereof, a special exception that the regulations in this section shall not apply thereto.

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**34.** Where a bakehouse is situate in any city, town, or place containing, according to the last published Census for the time being, a population of more than five thousand persons, all the inside walls of the rooms of such bakehouse, and all the ceilings or tops of such rooms (whether such walls, ceilings, or tops be plastered or not), and all the passages and staircases of such bakehouse, shall either be painted with oil or varnished or be limewashed, or be partly painted or varnished and partly limewashed; where painted with oil or varnished there shall be three coats of paint or varnish and the paint or varnish shall be renewed once at least in every seven years, and shall be washed with hot water and soap once at least in every six months; where limewashed the limewashing shall be renewed once at least in every six months.

Limewash-  
ing, painting,  
and wash-  
ing of the  
interior of  
bakehouses.

A bakehouse in which there is any contravention of this section shall be deemed not to be kept in conformity with this Act.

**35.** Where a bakehouse is situate in any city, town, or place containing, according to the last published Census for the time being, a population of more than five thousand persons, a place on the same level with the bakehouse, and forming part of the same building, shall not be used as a sleeping place, unless it is constructed as follows; that is to say,

Provision as  
to sleeping  
places near  
bakehouses.

unless it is effectually separated from the bakehouse by a partition extending from the floor to the ceiling; and  
unless there be an external glazed window of at least nine superficial feet in area, of which at the least four and a half superficial feet are made to open for ventilation.

Any person who lets or occupies or continues to let or knowingly suffers to be occupied any place contrary to this section shall be liable to a fine not exceeding, for the first offence, twenty shillings, and for every subsequent offence five pounds.

**36.** If in a factory or workshop where grinding, glazing, or polishing on a wheel, or any process is carried on, by which dust is generated and inhaled by the workers to an injurious extent, it appears to an inspector that such inhalation could be to a great

Provision as  
to ventilation  
by fan in  
factories and  
workshops.

**A.D. 1878.** extent prevented by the use of a fan or other mechanical means, the inspector may direct a fan or other mechanical means of a proper construction for preventing such inhalation to be provided within a reasonable time; and if the same is not provided, maintained, and used, the factory or workshop shall be deemed not to be kept in conformity with this Act.

Protection  
of workers  
in wet-spin-  
ning.

**37.** A child, young person, or woman shall not be employed in any part of a factory in which wet-spinning is carried on, unless sufficient means be employed and continued for protecting the workers from being wetted, and, where hot water is used, for preventing the escape of steam into the room occupied by the workers.

A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

(2.) *Special Restrictions as to Employment, Meals, and Certificates of Fitness.*

Prohibition of  
employment of  
children and  
young persons  
in certain  
factories or  
workshops.

**38.** A child or young person shall not, to the extent mentioned in the First Schedule to this Act, be employed in the factories or workshops or parts thereof named in that schedule.

Notice of the prohibition in this section shall be affixed in a factory or workshop to which it applies.

Prohibition  
of taking  
meals in  
certain parts  
of factories  
and work-  
shops.

**39.** A child, young person, or woman shall not be allowed to take a meal or to remain during the times allowed for meals in the parts of factories or workshops to which this section applies; and a child, young person, or woman allowed to take a meal or to remain in contravention of this section shall be deemed to be employed contrary to the provisions of this Act.

Notice of the prohibition in this section shall be affixed in a factory or workshop to which it applies.

This section applies to the parts of factories or workshops named in the Second Schedule to this Act.

Where it appears to a Secretary of State that by reason of the nature of the process in any class of factories or workshops or parts thereof not named in the said schedule, the taking of meals therein is specially injurious to health, he may, if he thinks fit, by order made under this part of this Act extend the prohibition in this section to the said class of factories or workshops or parts thereof.

If the prohibition in this section is proved to the satisfaction of a Secretary of State to be no longer necessary for the protection of



the health of children, young persons, and women in any class of factories or workshops or parts thereof to which the prohibition has been extended by an order, he may, by an order made under this part of this Act, rescind the order of extension, without prejudice nevertheless to the subsequent making of another order.

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40. In print works and bleaching and dyeing works the period of employment for a child, young person, and woman, and the times allowed for meals, shall be the same as if the said works were a textile factory, and the regulations of this Act with respect to the employment of children, young persons, and women in a textile factory shall apply accordingly, as if print works and bleaching and dyeing works were textile factories; save that nothing in this section shall prevent the continuous employment of a child, young person, or woman in the said works without an interval of half an hour for a meal, for the period allowed by this Act in a non-textile factory.

In print works and bleaching and dyeing works, period of employment and times allowed for meals.

41. Where it appears to a Secretary of State that by reason of special circumstances affecting any class of workshops it is expedient for protecting the health of the children and of the young persons under the age of sixteen years employed therein, to extend thereto the prohibition in this section mentioned, he may, by order made under this part of this Act, extend to such class of workshops the prohibition in this Act of the employment of children and young persons under the age of sixteen years without a certificate of the fitness of such child or young person for employment, and thereupon the provisions of this Act with respect to certificates of fitness for employment shall apply to the class of workshops named in the order in like manner as if they were factories.

Power to require certificates of fitness for employment of children and young persons under 16 in certain workshops.

If the prohibition is proved to the satisfaction of the Secretary of State to be no longer necessary for the protection of the health of the children and the young persons under the age of sixteen years employed in any class of workshops to which it has been extended under this section, he may by order made under this part of this Act rescind the order of extension, without prejudice nevertheless to the subsequent making of another order.

(3.) *Special Exceptions relaxing General Law in certain Factories and Workshops.*

(a.) *Period of Employment.*

42. In the factories and workshops or parts thereof to which this exception applies the period of employment for young persons and women, if so fixed by the occupier and specified in the notice,

Period of employment between 8 a.m. and 8 p.m. in certain cases.



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A.D. 1878. may, except on Saturday, begin at eight o'clock in the morning and end at eight o'clock in the evening, and on Saturday may begin at eight o'clock in the morning and end at four o'clock in the afternoon, or where it begins at seven o'clock in the morning may end at three o'clock in the afternoon; and the period of employment for a child in a morning set may begin at the same hour, and the period of employment for a child in an afternoon set may end at the same hour.

This exception applies to the factories and workshops and parts thereof specified in Part One of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops or part thereof, either generally or when situate in any particular locality, require the extension thereto of this exception, and that the extension can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act extend this exception accordingly.

Power to Secretary of State to allow period of employment between 9 a.m. and 9 p.m. in certain cases.

43. Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops or parts thereof, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, and that such grant can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act grant to such class of factories or workshops or parts thereof a special exception, that the period of employment for young persons and women therein, if so fixed by the occupier and specified in the notice, may on any day except Saturday begin at nine o'clock in the morning and end at nine o'clock in the evening, and in such case the period of employment for a child in a morning set shall begin at nine o'clock in the morning, and the period of employment for a child in an afternoon set shall end at eight o'clock in the evening.

Power of working young male persons above 16 in lace factories.

44. The regulations of this Act with respect to the employment of young persons in textile factories shall not prevent the employment, in the part of a textile factory in which a machine for the manufacture of lace is moved by steam, water, or other mechanical power, of any male young person above the age of sixteen years between four o'clock in the morning and ten o'clock in the evening,

if he is employed in accordance with the following conditions; A.D. 1878.  
namely,

- (a.) Where such young person is employed on any day before the beginning or after the end of the ordinary period of employment in the factory, there shall be allowed him for meals and absence from work between the above-mentioned hours of four in the morning and ten in the evening not less than nine hours; and
- (b.) Where such young person is employed on any day before the beginning of the ordinary period of employment in the factory, he shall not be employed on the same day after the end of that period; and
- (c.) Where such young person is employed on any day after the end of the ordinary period of employment in the factory, he shall not be employed next morning before the beginning of the ordinary period of employment.

For the purpose of this exception the ordinary period of employment in the factory means the period of employment for young persons under the age of sixteen years or women in the factory, or if none are employed means such period as can under this Act be fixed for the employment of such young persons and women in the factory, and notice of such period shall be affixed in the factory.

**45.** The regulations of this Act with respect to the employment of young persons in non-textile factories or workshops shall not prevent the employment, in the part of a bakehouse in which the process of baking bread is carried on, of any male young person above the age of sixteen years between five o'clock in the morning and nine o'clock in the evening, if he is employed in accordance with the following conditions; namely,

Power of  
workingmale  
young persons above  
16 in bake-  
houses.

- (a.) Where such young person is employed on any day before the beginning or after the end of the ordinary period of employment in the bakehouse, there shall be allowed him for meals and absence from work between the above-mentioned hours of five in the morning and nine in the evening not less than seven hours; and
- (b.) Where such young person is employed on any day before the beginning of the ordinary period of employment in the bakehouse, he shall not be employed after the end of that period on the same day; and
- (c.) Where such young person is employed on any day after the end of the ordinary period of employment in the bakehouse, he shall not be employed next morning before the beginning of the ordinary period of employment.

A.D. 1878.

For the purpose of this exception the ordinary period of employment in the bakehouse means the period of employment for young persons under the age of sixteen years or women in the bakehouse, or if none are employed, means such period as can under this Act be fixed for the employment of such young persons and women in the bakehouse, and notice of such period shall be affixed in the bakehouse.

Where it is proved to the satisfaction of the Secretary of State that the exigencies of the trade carried on in bakehouses, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, and that such grant can be made without injury to the health of the male young persons affected thereby, he may by order made under this part of this Act grant to bakehouses, or to bakehouses situate in the said locality, a special exception permitting the employment of male young persons of sixteen years of age and upwards as if they were no longer young persons.

Substitution  
by Secretary  
of State of  
another half  
holiday for  
Saturday.

46. Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops, either generally or when situate in any particular locality, require some other day in the week to be substituted for Saturday as regards the hour at which the period of employment for children, young persons, and women is required by this Act to end on Saturday, he may by order made under this part of this Act grant to such class of factories or workshops a special exception, authorising the occupier of every such factory and workshop to substitute by a notice affixed in his factory or workshop some other day for Saturday, and in such case this Act shall apply in such factory or workshop in like manner as if the substituted day were Saturday, and Saturday were an ordinary work day.

Employment  
in Turkey  
red dyeing  
on Saturday  
up to 4.30  
p.m.

47. In the process of Turkey red dyeing, nothing in Part One of this Act shall prevent the employment of young persons and women on Saturday until half-past four o'clock in the afternoon, but the additional number of hours so worked shall be computed as part of the week's limit of work, which shall in no case be exceeded.

Continuous  
employment  
of children,  
young  
persons, and  
women in  
certain cases.

48. In any of the textile factories to which this exception applies, if the period of employment for young persons and women, as fixed by the occupier and specified in the notice, begins at the hour of seven in the morning, and the whole time between that hour and eight o'clock is allowed for meals, the regulations of this Act with respect to the employment of children, young persons, and women shall not prevent a child, young person, or woman, between the first day of November and the last day of March next

following, being employed continuously, without an interval of at least half an hour for a meal, for the same period as if the factory were a non-textile factory. A.D. 1878.

This exception applies to the textile factories specified in Part Seven of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of textile factories, either generally or when situate in any particular locality, the customary habits of the persons employed therein require the extension thereto of this exception, and that the manufacturing process carried on therein is of a healthy character, and the extension can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act extend this exception accordingly.

**49.** Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, he may by order made under this part of this Act grant to such class of factories or workshops a special exception, authorising the occupier of any such factory or workshop to allow all or any of the half holidays, or whole holidays in lieu of them, on different days to any of the children, young persons, and women employed in his factory or workshop, or to any sets of such children, young persons, and women, and not on the same days.

Giving half holidays and holidays on different days to different sets of children, young persons, and women.

**50.** Where the occupier of a factory or workshop is a person of the Jewish religion, the regulations of this Act with respect to the employment of young persons and women shall not prevent him—

Employment of young persons and women by Jewish occupiers of factories or workshops.

- (1.) If he keeps his factory or workshop closed on Saturday until sunset, from employing young persons and women on Saturday from after sunset until nine o'clock in the evening; or
- (2.) If he keeps his factory or workshop closed on Saturday both before and after sunset, from employing young persons and women one hour on every other day in the week (not being Sunday), in addition to the hours allowed by this Act, so that such hour be at the beginning or end of the period of employment, and be not before six o'clock in the morning or after nine o'clock in the evening; or
- (3.) If all the children, young persons, and women in his factory or workshop are of the Jewish religion, from giving them, if so specified in a notice affixed in the factory or workshop as by this Act provided, any two public holidays



A.D. 1878.

38 & 39 Vict.  
c. 13.

under the Holidays Extension Act, 1875, in lieu of Christmas Day and Good Friday, but in that case such factory or workshop shall not be open for traffic on Christmas Day or Good Friday.

Employment  
of Jews by  
Jews on  
Sunday.

51. No penalty shall be incurred by any person in respect of any work done on Sunday in a factory or workshop by a young person or woman of the Jewish religion, subject to the following conditions :

- (1.) The occupier of the factory or workshop shall be of the Jewish religion ; and
- (2.) The factory or workshop shall be closed on Saturday and shall not be open for traffic on Sunday ; and
- (3.) The occupier shall not avail himself of the exception authorising the employment of young persons and women on Saturday evening, or for an additional hour during any other day of the week.

Where the occupier avails himself of this exception, this Act shall apply to the factory or workshop in like manner as if in the provisions thereof respecting Sunday the word Saturday were substituted for Sunday, and in the provisions thereof respecting Saturday the word Sunday, or, if the occupier so specify in the notice the word Friday, were substituted for Saturday.

(b.) *Meal Hours.*

Exception as  
to meal times  
being simulta-  
neous and  
as to employ-  
ment or re-  
maining in  
room where  
manufactur-  
ing process  
is carried on  
during meal  
times.

52. The provisions of this Act which require that all the children, young persons, and women employed in a factory or workshop shall have the times allowed for meals at the same hour of the day shall not apply in the cases mentioned in Part Two of the Third Schedule to this Act.

The provisions of this Act which require that a child, young person, and woman shall not, during any part of the times allowed for meals in a factory or workshop, be employed in a factory or the workshop, or be allowed to remain in a room in which a manufacturing process or handicraft is being carried on, shall not apply in the cases and to the extent mentioned in Part Two of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of factories or workshops or parts thereof it is necessary, by reason of the continuous nature of the process, or of special circumstances affecting such class, to extend thereto the exceptions in this section or either of them, and that such extension can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act extend the same accordingly.



(c.) *Overtime.*

A.D. 1878.

**53.** The regulations of this Act with respect to the employment of young persons and women shall not prevent the employment in the factories and workshops or parts thereof to which this exception applies of young persons and of women during a period of employment beginning at six o'clock in the morning and ending at eight o'clock in the evening, or beginning at seven o'clock in the morning and ending at nine o'clock in the evening, or beginning at eight o'clock in the morning and ending at ten o'clock in the evening, if they are employed in accordance with the following conditions; namely,

Power to employ young persons and women for 14 hours a day.

- (1.) There shall be allowed to every such young person and woman for meals during the period of employment not less than two hours, of which half an hour shall be after five o'clock in the evening; and
- (2.) Any such young person or woman shall not be so employed on the whole for more than five days in any one week, nor for more than forty-eight days in any twelve months.

This exception applies to the factories and workshops and parts thereof specified in Part Three of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the material which is the subject of the manufacturing process or handicraft therein being liable to be spoiled by the weather, or by reason of press of work arising at certain recurring seasons of the year, or by reason of the liability of the business to a sudden press of orders arising from unforeseen events, to employ young persons and women in manner authorised by this exception, and that such employment will not injure the health of the young persons and women affected thereby, he may by order made under this part of this Act extend this exception to such factories or workshops or parts thereof.

**54.** If in any factory or workshop or part thereof to which this exception applies, the process in which a child, young person, or woman is employed is in an incomplete state at the end of the period of employment of such child, young person, or woman, the provisions of this Act with respect to the period of employment shall not prevent such child, young person, or woman from being employed for a further period not exceeding thirty minutes:

Power to employ for half an hour after end of work where process is in an incomplete state.

Provided that such further periods when added to the total number of hours of the periods of employment of such child, young

A.D. 1878. — person, or woman in that week, do not raise that total above the number otherwise allowed under this Act.

This exception applies to the factories and workshops specified in Part Four of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of non-textile factories or workshops or parts thereof the time for the completion of a process cannot by reason of the nature thereof be accurately fixed, and that the extension to such class of factories or workshops or parts thereof of this exception can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act extend this exception accordingly.

Employment of young persons, &c. in Turkey red dyeing and open-air bleaching.

55. Nothing in this Act shall prevent the employment of young persons and women so far as is necessary for the purpose only of preventing any damage which may arise from spontaneous combustion in the process of Turkey red dyeing, or from any extraordinary atmospheric influence in the process of open-air bleaching.

Employment of women for 14 hours a day to preserve perishable articles.

56. The regulations of this Act with respect to the employment of young persons and women shall not prevent the employment, in the factories and workshops and parts thereof to which this exception applies, of women during a period of employment beginning at six o'clock in the morning and ending at eight o'clock in the evening, or beginning at seven o'clock in the morning and ending at nine o'clock in the evening, if they are employed in accordance with the following conditions; namely,

- (1.) There shall be allowed to every such woman for meals during the period of employment not less than two hours, of which half an hour shall be after five o'clock in the evening; and
- (2.) Any such woman shall not be so employed on the whole for more than five days in any one week, nor for more than ninety-six days in any twelve months.

This exception applies to the factories and workshops and parts thereof specified in Part Five of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the perishable nature of the articles or materials which are the subject of the manufacturing process or handicraft, to employ women in manner authorised by this exception, and that such employment will not injure the health of the women employed, he may by order made under this part of this Act extend this exception to such factories or workshops or parts thereof.

57. Where it appears to a Secretary of State that factories driven by water power are liable to be stopped by drought or flood, he may, by order made under this part of this Act, grant to such factories a special exception permitting the employment of young persons and women during a period of employment from six o'clock in the morning until seven o'clock in the afternoon, on such conditions as he may think proper, but so as that no person shall be deprived of the meal hours by this Act provided, nor be so employed on Saturday, and that as regards factories liable to be stopped by drought, such special exception shall not extend to more than ninety-six days in any period of twelve months, and as regards factories liable to be stopped by floods, such special exception shall not extend to more than forty-eight days in any period of twelve months. This overtime shall not extend in any case beyond the time already lost during the previous twelve months.

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Exception  
for factories  
driven by  
water power.

(d.) *Nightwork.*

58. Nothing in this Act shall prevent the employment, in factories and workshops to which this exception applies, of male young persons during the night, if they are employed in accordance with the following conditions :

Employment  
of male  
young per-  
sons at night.

- (1.) The period of employment shall not exceed twelve consecutive hours, and shall begin and end at the hours specified in the notice in this Act mentioned ; and
- (2.) The provisions of Part One of this Act with respect to the allowance of times for meals to young persons during the period of employment shall be observed with the necessary modifications as to the hour at which the times allowed for meals are fixed ; and
- (3.) A male young person employed during any part of the night shall not be employed during any part of the twelve hours preceding or succeeding the period of employment ; and
- (4.) A male young person shall not be employed on more than six nights, or in the case of blast furnaces or paper mills seven nights, in any two weeks.

The provisions of this Act with respect to the period of employment on Saturday, and with respect to the allowance to young persons of eight half holidays in every year or of whole holidays in lieu of them, shall not apply to a male young person employed in day and night turns in pursuance of this exception.

This exception applies to the factories and workshops specified in Part Six of the Third Schedule to this Act.

A.D. 1878.

Where it is proved to the satisfaction of a Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the nature of the business requiring the process to be carried on throughout the night, to employ male young persons of sixteen years of age or upwards at night, and that such employment will not injure the health of the male young persons employed, he may by order made under this part of this Act extend this exception to such factories or workshops or parts thereof, so far as regards young persons of the age of sixteen years or upwards.

Employment  
in certain  
letter-press  
printing  
works of male  
young per-  
sons of 16  
at night.

**59.** In a factory or workshop in which the process of printing newspapers is carried on on not more than two nights in the week, nothing in this Act shall prevent the employment of a male young person of sixteen years of age and upwards at night during not more than two nights in a week, as if he were no longer a young person.

Employment  
of male  
young per-  
sons in glass  
works.

**60.** In glass works nothing in this Act shall prevent any male young person from working according to the accustomed hours of the works, if he is employed in accordance with the following conditions; namely,

- (1.) The total number of hours of the periods of employment shall not exceed sixty in any one week; and
- (2.) The periods of employment for any such young person shall not exceed fourteen hours in four separate turns per week, or twelve hours in five separate turns per week, or ten hours in six separate turns per week, or any less number of hours in the accustomed number of separate turns per week, so that such number of turns do not exceed nine; and
- (3.) Such young person shall not work in any turn without an interval of time not less than one full turn; and
- (4.) There shall be allowed to such young person during each turn (so far as is practicable) the like times for meals as are required by this Act to be allowed in any other non-textile factory or workshop.

Exception of  
domestic  
factories and  
workshops  
and certain  
other work-  
shops from  
certain pro-  
visions of  
the Act.

(4.) *Special Exception for Domestic and certain other Factories and Workshops.*

**61.** The provisions of this Act which relate—

- (1.) To the cleanliness (including linewashing, painting, varnishing, and washing) or to the freedom from effluvia, or to the overcrowding, or ventilation of a factory or workshop; or



(2.) To all children, young persons, and women employed in a factory or workshop having the times allowed for meals at the same hour of the day, or during any part of the times allowed for meals in a factory or workshop being employed in the factory or workshop or being allowed to remain in any room; or

(3.) To the affixing of any notice or abstract in a factory or workshop; or specifying any matter in the notice so affixed; or

(4.) To the allowance of any holidays to a child, young person, or woman; or

(5.) To the sending notice of accident;

shall not apply—

(a.) Where persons are employed at home, that is to say, to a private house, room, or place which, though used as a dwelling, is by reason of the work carried on there a factory or workshop within the meaning of this Act, and in which neither steam, water, nor other mechanical power is used, and in which the only persons employed are members of the same family dwelling there; or

(b.) To a workshop which is conducted on the system of not employing children or young persons therein, and the occupier of which has served on an inspector notice of his intention to conduct his workshop on that system.

And the provisions of this Act with respect to certificates of fitness for employment shall apply to any such private house, room, or place as aforesaid, which by reason of the nature of the work carried on there is a factory, as if the same were a workshop within the meaning of this Act, and not a factory.

Where the occupier of a workshop has served on an inspector notice of his intention to conduct that workshop on the system of not employing children or young persons therein, the workshop shall be deemed for all the purposes of this Act to be conducted on the said system until the occupier changes it, and no change shall be made until the occupier has served on the inspector notice of his intention to change the system, and until the change a child or young person employed in the workshop shall be deemed to be employed contrary to the provisions of this Act. A change in the said system shall not be made oftener than once a quarter, unless for special cause allowed in writing by an inspector.

Nothing in this section shall exempt a bakehouse from the provisions of this Act with respect to cleanliness (including limewashing, painting, varnishing, and washing,) or to freedom from effluvia.



A.D. 1878.

Exception  
for certain  
descriptions  
of flax  
scutch mills  
from certain  
provisions  
of Act.

**62.** The regulations of this Act with respect to the employment of women shall not apply to flax scutch mills which are conducted on the system of not employing either children or young persons therein, and which are worked intermittently, and for periods only which do not exceed in the whole six months in any year. A flax scutch mill shall not be deemed to be conducted on the system of not employing therein either children or young persons until the occupier has served on an inspector notice of his intention to conduct such mill on that system.

*(5.) Supplemental as to Special Provisions.*

Requirement  
of sanitary  
provisions as  
condition of  
special ex-  
ceptions.

**63.** Where it appears to a Secretary of State that the adoption of any special means or provision for the cleanliness or ventilation of a factory or workshop is required for the protection of the health of any child, young person, or woman employed, in pursuance of an exception under this part of this Act, either for a longer period than is otherwise allowed by this Act, or at night, he may by order made under this part of this Act direct that the adoption of such means or provision shall be a condition of such employment; and if it appears to a Secretary of State that the adoption of any such means or provision is no longer required, or is, having regard to all the circumstances, inexpedient, he may, by order made under this part of this Act rescind the order directing such adoption without prejudice to the subsequent making of another order.

Power to  
rescind order  
granting or  
extending  
exception.

**64.** Where an exception has been granted or extended under this part of this Act by an order of a Secretary of State, and it appears to a Secretary of State that such exception is injurious to the health of the children, young persons, or women employed in, or is no longer necessary for the carrying on of the business in, the class of factories or workshops or parts thereof to which the said exception was so granted or extended, he may by an order made under this part of this Act rescind the grant or extension, without prejudice to the subsequent making of another order.

Provisions as  
to order of  
Secretary of  
State.

**65.** Where a Secretary of State has power to make an order under this part of this Act, the following provisions shall apply to that order:

- (1.) The order shall be under the hand of the Secretary of State and shall be published in the London Gazette, and shall come into operation at the date of such publication in the London Gazette, or at any later date mentioned in the order:
- (2.) The order may be temporary or permanent, conditional or unconditional, and whether extending a prohibition or

exception, granting an exception, directing the adoption of any means or provisions, or rescinding a previous order, or effecting any other thing, may do so either wholly or partly: A.D. 1878.

(3.) The order shall be laid as soon as may be before both Houses of Parliament, and if either House of Parliament, within the next forty days after the same has been so laid before such House, resolve that such order ought to be annulled, the same shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime under such order or to the making of any new order:

(4.) The order, while it is in force, shall, so far as is consistent with the tenor thereof, apply as if it formed part of the enactment which provides for the extension or grant or otherwise for making the order.

**66.** An occupier of a factory or workshop, not less than seven days before he avails himself of any special exception under this part of this Act, shall serve on an inspector, and (except in the case of a factory or workshop to which the provisions of this Act with respect to the affixing of notices do not apply) affix in his factory or workshop notice of his intention so to avail himself, and whilst he avails himself of the exception shall keep the notice so affixed.

Provisions to occupier availing himself of special exceptions, and registry of work under them.

Before the service of such notice on the inspector the special exception shall not be deemed to apply to the factory or workshop, and after the service of such notice on the inspector it shall not be competent in any proceeding under this Act for the occupier to prove that such special exception does not apply to his factory or workshop, unless he has previously served on an inspector notice that he no longer intends to avail himself of such special exception.

The notice so served and affixed shall specify the hours for the beginning and end of the period of employment, and the times to be allowed for meals to every child, young person, and woman where they differ from the ordinary hours or times.

An occupier of a factory or workshop shall enter in the prescribed register, and report to an inspector, the prescribed particulars respecting the employment of a child, young person, or woman in pursuance of an exception, but such entry and report need not be made in the case of a factory or workshop to which the provisions of this Act with respect to the affixing of notices do not apply, except so far as may be from time to time prescribed by a Secretary of State.

Where the occupier of a factory or workshop avails himself of an exception under this part of this Act, and a condition for

A.D. 1878. — availing himself of such exception (whether specified in this part of this Act, or in an order of a Secretary of State made under this part of this Act) is not observed in that factory or workshop, then

- (1.) If such condition relates to the cleanliness, ventilation, or overcrowding of the factory or workshop, the factory or workshop shall be deemed not to be kept in conformity with this Act; and
- (2.) In any other case a child, young person, or woman employed in the factory or workshop, in alleged pursuance of the said exception, shall be deemed to be employed contrary to the provisions of this Act.

### PART III.

#### ADMINISTRATION, PENALTIES, AND LEGAL PROCEEDINGS.

##### (1.) *Inspection.*

Appoint-  
ment, pay-  
ment, &c.  
of inspectors  
of factories,  
and clerks  
and servants.

**67.** A Secretary of State from time to time, with the approval of the Treasury as to numbers and salaries, may appoint such inspectors (under whatever title he may from time to time fix) and such clerks and servants as he may think necessary for the execution of this Act, and may assign to them their duties and award them their salaries, and may constitute a principal inspector with an office in London, and may regulate the cases and manner in which the inspectors, or any of them, are to execute and perform the powers and duties of inspectors under this Act, and may remove such inspectors, clerks, and servants.

The salaries of the inspectors, clerks, and servants, and the expenses incurred by them or by a Secretary of State in the execution of this Act, shall be paid out of moneys provided by Parliament.

Notice of the appointment of every such inspector shall be published in the London Gazette.

A person who is the occupier of a factory or workshop, or is directly or indirectly interested therein or in any process or business carried on therein, or in a patent connected therewith, or is employed in or about a factory or workshop, shall not act as an inspector under this Act.

An inspector under this Act shall not be liable to serve in any parochial or municipal office.

Such annual report of the proceedings of the inspectors as the Secretary of State from time to time directs shall be laid before both Houses of Parliament.

A reference in this Act to an inspector refers, unless it is otherwise expressed, to an inspector appointed in pursuance of this section, and a notice or other document required by this Act to be sent to an inspector shall be sent to such inspector as a Secretary of State from time to time directs, by declaration published in the London Gazette or otherwise as he thinks expedient for making the same known to all persons interested.

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**68.** An inspector under this Act shall for the purpose of the execution of this Act have power to do all or any of the following things; namely, Powers of inspectors.

- (1.) To enter, inspect, and examine at all reasonable times by day and night a factory and a workshop and every part thereof when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory or workshop; and
- (2.) To take with him in either case a constable into a factory in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty; and
- (3.) To require the production of the registers, certificates, notices, and documents kept in pursuance of this Act, and to inspect, examine, and copy the same; and
- (4.) To make such examination and inquiry as may be necessary to ascertain whether the enactments for the time being in force relating to public health and the enactments of this Act are complied with, so far as respects the factory or workshop and the persons employed therein; and
- (5.) To enter any school in which he has reasonable cause to believe that children employed in a factory or workshop are for the time being educated; and
- (6.) To examine either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in a factory or workshop, or such a school as aforesaid, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory or workshop, and to require such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined; and
- (7.) To exercise such other powers as may be necessary for carrying this Act into effect.

A.D. 1878. — The occupier of every factory and workshop, his agents and servants, shall furnish the means required by an inspector as necessary for an entry, inspection, examination, inquiry, or the exercise of his powers under this Act in relation to such factory and workshop.

Every person who wilfully delays an inspector in the exercise of any power under this section, or who fails to comply with a requisition of an inspector in pursuance of this section, or to produce any certificate or document which he is required by or in pursuance of this Act to produce, or who conceals or prevents a child, young person, or woman from appearing before or being examined by an inspector, or attempts so to conceal or prevent a child, young person, or woman, shall be deemed to obstruct an inspector in the execution of his duties under this Act: Provided always, that no one shall be required under this section to answer any question or to give any evidence tending to criminate himself.

Where an inspector is obstructed in the execution of his duties under this Act, the person obstructing him shall be liable to a fine not exceeding five pounds; and where an inspector is so obstructed in a factory or workshop, the occupier of that factory or workshop shall be liable to a fine not exceeding five, or where the offence is committed at night, twenty pounds: and where an inspector is so obstructed in a factory or workshop within the meaning of section sixteen of this Act, the occupier shall be liable to a fine not exceeding one, or where the offence is committed at night five pounds.

Restriction  
on entry of  
inspector  
into dwell-  
ings.

69. An inspector before entering, in pursuance of the powers conferred by this Act, without the consent of the occupier, any room or place actually used as a dwelling as well as for a factory or workshop, shall, on an affidavit or statutory declaration of facts and reasons, obtain written authority so to do from a Secretary of State, or such warrant as is herein-after mentioned from a justice of the peace.

The affidavit or statutory declaration above mentioned may be inspected or produced in evidence in all respects the same as an information on oath before a justice.

A justice of the peace, if satisfied by information on oath that there is reasonable cause to suppose that any enactment of this Act is contravened in any such room or place as aforesaid, may in his discretion grant a warrant under his hand authorising the inspector named therein at any time within the period named therein, but not exceeding one month from the date thereof, to enter, in pursuance of this Act, the room or place named in the



warrant, and exercise therein the powers of inspection and examination conferred by this Act, and the fines and provisions of this Act with respect to obstruction of an inspector shall apply accordingly.

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**70.** Every inspector under this Act shall be furnished with the prescribed certificate of his appointment, and on applying for admission to a factory or workshop shall, if required, produce to the occupier the said certificate. Certificates of appointment of inspectors.

Every person who forges or counterfeits any such certificate, or makes use of any forged, counterfeited, or false certificate, or personates the inspector named in any such certificate, or falsely pretends to be an inspector under this Act, shall be liable to be imprisoned for a period not exceeding three months, with or without hard labour.

### (2.) *Certifying Surgeons.*

**71.** Where there is no certifying surgeon resident within three miles of a factory or workshop, the poor law medical officer shall be for the time being the certifying surgeon under this Act for such factory or workshop.

Poor law medical officers to Act where no certifying surgeon within three miles.

**72.** Subject to such regulations as may be from time to time made by a Secretary of State, an inspector may from time to time appoint a sufficient number of duly registered medical practitioners to be certifying surgeons for the purposes of this Act, and may from time to time revoke any such appointment.

Appointment of certifying surgeons.

Every appointment and revocation of appointment of a certifying surgeon may be annulled by a Secretary of State upon appeal to him for that purpose.

A surgeon who is the occupier of a factory or workshop, or is directly or indirectly interested therein or in any process or business carried on therein or in a patent connected therewith, shall not be a certifying surgeon for that factory or workshop.

A Secretary of State may from time to time make rules for the guidance of certifying surgeons, and for the particulars to be registered respecting their visits, and for the forms of certificates and other documents to be used by them.

**73.** A certificate of fitness for employment shall not be granted for the purposes of this Act, except upon personal examination of the person named therein.

Regulations as to the grant of certificates of fitness.

A certifying surgeon shall not examine a child or young person for the purposes of a certificate of fitness for employment, or sign any such certificate, elsewhere than at the factory or workshop

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where such child or young person is or is about to be employed, unless the number of children and young persons employed in that factory or workshop are less than five, or unless for some special reason allowed in writing by an inspector.

If a certifying surgeon refuses to grant for any person examined by him a certificate of fitness for employment, he shall when required give in writing and sign the reasons for such refusal.

Fees of certifying surgeons for examination of children and young persons.

74. With respect to the fees to be paid to certifying surgeons in respect of the examination of, and grant of certificates of fitness for employment for, children and young persons in factories or workshops, the following provisions shall have effect:

- (1.) The occupier may agree with the certifying surgeon as to the amount of such fees:
- (2.) In the absence of any such agreement the fees shall be those named in the following scale:

When the examination is at a factory or workshop not exceeding one mile from the surgeon's residence,	{	2s. 6d. for each visit and 6d. for each person after the first five examined at that visit
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When the examination is at a factory or workshop more than one mile from the surgeon's residence,	{	The above fees and an additional 6d. for each complete half mile over and above the mile.
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When the examination is not at the factory or workshop, but at the residence of the surgeon, or at some place appointed by the surgeon for the purpose, and which place as well as the day and hour appointed for the purpose shall be published in the prescribed manner,	{	6d. for each person examined.
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- (3.) The occupier shall pay the fees on the completion of the examination, or if any certificates are granted at the time at which the surgeon signs the certificates, or at any other time directed by an inspector:
- (4.) The occupier may deduct the fee or any part thereof, not exceeding in any case threepence, from the wages of the person for whom the certificate was granted:
- (5.) A Secretary of State may from time to time, if he think it expedient, alter any fees fixed by this section.

## (3.) Miscellaneous.

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75. Every person shall, within one month after he begins to occupy a factory, serve on an inspector a written notice containing the name of the factory, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power therein, and the name of the firm under which the business of the factory is to be carried on, and in default shall be liable to a fine not exceeding five pounds.

Notice of  
factory to  
be given to  
inspector.

76. Where an inspector, by notice in writing, names a public clock, or some other clock open to public view for the purpose of regulating the period of employment in a factory or workshop, the period of employment and times allowed for meals for children, young persons, and women in that factory or workshop shall be regulated by that clock, which shall be specified in the notice affixed in the factory or workshop.

Regulation  
of hours by  
public clock.

77. The occupier of every factory and workshop to which this section applies shall keep in the prescribed form and with the prescribed particulars registers of the children and young persons employed in that factory or workshop, and of their employment, and of other matters under this Act.

Registers to  
be kept in  
a factory or  
workshop.

The occupier of a factory or workshop shall send to an inspector such extracts from any register kept in pursuance of this Act as the inspector from time to time requires for the execution of his duties under this Act.

This section applies to every factory and workshop in which a child or young person under the age of sixteen years is, for the time being, prohibited under this Act from being employed without a certificate of fitness for employment.

Where by reason of the number of children and young persons employed in a factory or workshop to which this section does not for the time being apply, or otherwise, it seems expedient to a Secretary of State so to do, he may order the occupier of that factory or workshop to keep a register under this section, with power to rescind such order, and while such order is in force this section shall apply to that factory or workshop.

In the event of a contravention of this section in a factory or workshop, the occupier of the factory or workshop shall be liable to a fine not exceeding forty shillings.

78. There shall be affixed at the entrance of a factory and a workshop, and in such other parts thereof as an inspector for

Affixing in  
factory or

A.D. 1878. the time being directs, and be constantly kept so affixed in the prescribed form and in such position as to be easily read by the persons employed in the factory or workshop,—

workshop of  
abstract of  
Act and  
notices.

- (1.) The prescribed abstract of this Act; and
- (2.) A notice of the name and address of the prescribed inspector; and
- (3.) A notice of the name and address of the certifying surgeon for the district; and
- (4.) A notice of the clock (if any) by which the period of employment and times for meals in the factory or workshop are regulated; and
- (5.) Every notice and document required by this Act to be affixed in the factory or workshop.

In the event of a contravention of this section in a factory or workshop, the occupier of the factory or workshop shall be liable to a fine not exceeding forty shillings.

Printing or  
writing and  
service of  
notices and  
documents,  
&c.

**79.** Any notice, order, requisition, summons, and document under this Act may be in writing or print, or partly in writing and partly in print.

Any notice, order, requisition, summons, and document required or authorised to be served or sent for the purposes of this Act may be served and sent by delivering the same to or at the residence of the person on or to whom it is to be served or sent, or, where that person is the occupier of a factory or workshop, by delivering the same or a true copy thereof to his agent or to some person in such factory or workshop; it may also be served or sent by post by a prepaid letter, and if served or sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that it was properly addressed and put into the post; and where it is required to be served on or sent to the occupier of a factory or workshop, it shall be deemed to be properly addressed if addressed to the occupier of such factory or workshop at the factory or workshop, with the addition of the proper postal address, but without naming the person who is the occupier.

Inspection of  
weights and  
measures  
used in  
factories and  
workshops.

**80.** Any Act for the time being in force relating to weights and measures shall extend to weights, measures, scales, balances, steelyards, and weighing machines used in a factory or workshop in checking or ascertaining the wages of any person employed therein, in like manner as if they were used in the sale of goods, and as if such factory or workshop were a place where goods are

kept for sale, and such Act shall apply accordingly, and every inspector of, or other person authorised to inspect or examine, weights and measures, shall inspect, stamp, mark, search for, and examine the said weights and measures, scales, balances, steelyards, and weighing machines accordingly, and for that purpose shall have the same powers and duties as he has in relation to weights, measures, scales, balances, steelyards, and weighing machines used in the sale of goods.

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(4.) *Fines.*

**81.** If a factory or workshop is not kept in conformity with this Act, the occupier thereof shall be liable to a fine not exceeding ten pounds.

Fine for not keeping factory or workshop in conformity with Act.

The court of summary jurisdiction, in addition to or instead of inflicting such fine may order certain means to be adopted by the occupier, within the time named in the order, for the purpose of bringing his factory or workshop into conformity with this Act; the court may, upon application, enlarge the time so named, but if, after the expiration of the time as originally named or enlarged by subsequent order, the order is not complied with, the occupier shall be liable to a fine not exceeding one pound for every day that such non-compliance continues.

**82.** If any person is killed or suffers any bodily injury in consequence of the occupier of a factory having neglected to fence any machinery required by or in pursuance of this Act to be securely fenced, or having neglected to maintain such fencing, or in consequence of the occupier of a factory or workshop having neglected to fence any vat, pan, or other structure required by or in pursuance of this Act to be securely fenced, or having neglected to maintain such fencing, the occupier of the factory or workshop shall be liable to a fine not exceeding one hundred pounds, the whole or any part of which may be applied for the benefit of the injured person or his family, or otherwise as a Secretary of State determines:

Penal compensation to person injured by want of fence to machinery, &c.

Provided that the occupier of a factory shall not be liable to a fine under this section if an information against him for not fencing the part of the machinery, or the vat, pan, or other structure, by which the death or bodily injury was inflicted, has been heard and dismissed previous to the time when the death or bodily injury was inflicted.

**83.** Where a child, young person, or woman is employed in a factory or workshop contrary to the provisions of this Act, the occupier of the factory or workshop shall be liable to a fine not exceeding three, or if the offence was committed during the night, five pounds for each child, young person, or woman so employed; and where a child, young person, or woman is so employed in a

Fine for employing children, young persons, and women contrary to the Act.



A.D. 1878. factory or workshop within the meaning of section sixteen of this Act, the occupier shall be liable to a fine not exceeding one, or if the offence was committed during the night, two pounds for each child, young person, or woman so employed.

A child, young person, or woman who is not allowed times for meals and absence from work as required by this Act, or during any part of the times allowed for meals and absence from work is, in contravention of the provisions of this Act, employed in the factory or workshop or allowed to remain in any room, shall be deemed to be employed contrary to the provisions of this Act.

Fine on parent for allowing child or young person to be employed contrary to the Act, or neglecting to cause child to attend school.

84. The parent of a child or young person shall,—

- (1.) If such child or young person is employed in a factory or workshop contrary to the provisions of this Act, be liable to a fine not exceeding twenty shillings for each offence, unless it appears to the court that such offence was committed without the consent, connivance, or wilful default of such parent; and
- (2.) If he neglects to cause such child to attend school in accordance with this Act, be liable to a fine not exceeding twenty shilling for each offence.

Forgery of certificates, false entries and declarations.

85. Every person who forges or counterfeits any certificate for the purposes of this Act (for the forging or counterfeiting of which no other punishment is provided), or who gives or signs any such certificate knowing the same to be false in any material particular, or who knowingly utters or makes use of any certificate so forged, counterfeited, or false as aforesaid, or who knowingly utters or make use of as applying to any person a certificate which does not so apply, or who personates any person named in a certificate, or who wilfully connives at the forging, counterfeiting, giving, signing, uttering, making use, or personating as aforesaid, shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months with or without hard labour.

Every person who wilfully makes a false entry in any register, notice, certificate, or document required by this Act to be kept or served or sent, or who wilfully makes or signs a false declaration under this Act, or who knowingly makes use of any such false entry or declaration, shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months with or without hard labour.

Fine on person committing offence for which occupier is liable.

86. Where an offence for which the occupier of a factory or workshop is liable under this Act to a fine, has in fact been committed by some agent, servant, workman, or other person, such agent, servant, workman, or other person shall be liable to the same fine as if he were the occupier.

87. Where the occupier of a factory or workshop is charged with an offence against this Act, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier of the factory or workshop proves to the satisfaction of the court that he had used due diligence to enforce the execution of the Act, and that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the occupier shall be exempt from any fine.

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Power of occupier to exempt himself from fine on conviction of the actual offender.

When it is made to appear to the satisfaction of an inspector at the time of discovering the offence, that the occupier of the factory or workshop had used all due diligence to enforce the execution of this Act, and also by what person such offence had been committed, and also that it had been committed without the knowledge, consent, or connivance of the occupier and in contravention of his orders, then the inspector shall proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the occupier of the factory or workshop.

88. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger amount of fines than the highest fine fixed by this Act for the offence, except—

Restraint on cumulative fines.

- (a.) where the repetition of the offence occurs after an information has been laid for the previous offence; or
- (b.) where the offence is one of employing two or more children, young persons, or women contrary to the provisions of this Act.

(5.) *Legal Proceedings.*

89. All offences under this Act shall be prosecuted, and all fines under this Act shall be recovered, on summary conviction before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

Prosecution of offences and recovery and application of fines.

A summary order may be made for the purposes of this Act by a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

All fines imposed in pursuance of this Act shall, save as otherwise expressly provided by this Act, be paid into the Exchequer.

The court of summary jurisdiction, when hearing and determining a case arising under this Act, shall be constituted either of two or more justices of the peace sitting at some court or

A.D. 1878. — public place at which justices are for the time being accustomed to assemble for the purpose of holding petty sessions or of some magistrate or officer sitting alone or with others at some court or other place appointed for the public administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace.

Where a proceeding is taken before a court of summary jurisdiction with respect to an offence against this Act alleged to be committed in or with reference to a factory or workshop, the occupier of that factory or workshop, and the father, son, or brother of such occupier, shall not be qualified to act as a member of such court.

Appeal to  
quarter  
sessions.

90. If any person feels aggrieved by a conviction or order made by a court of summary jurisdiction on determining an information or complaint under this Act, he may appeal therefrom; subject, in England, to the conditions and regulations following:

- (1.) The appeal shall be made to the next practicable court of general or quarter sessions having jurisdiction in the county or place in which the decision of the court was given, holden not less than twenty-one days after the day on which such decision was given; and
- (2.) The appellant shall, within ten days after the day on which the decision of the court was given, serve notice on the other party and on the clerk of the court of summary jurisdiction of his intention to appeal, and of the general grounds of such appeal; and
- (3.) The appellant shall, within three days after such notice is served, enter into a recognizance before a court of summary jurisdiction, with or without a surety or sureties as the court may direct, conditioned to appear at the said sessions and to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or the appellant may, if the court of summary jurisdiction thinks it expedient, instead of entering into a recognizance give such other security by deposit of money with the clerk of the court of summary jurisdiction or otherwise as the court deem sufficient; and
- (4.) Where the appellant is in custody a court of summary jurisdiction may, if they think fit, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody; and
- (5.) The court of appeal may adjourn the hearing of the appeal, and upon the hearing thereof may confirm, reverse, or

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- modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just; and
- (6.) The court of appeal may also make such order as to costs to be paid by either party as the court thinks just; and
- (7.) Whenever a decision is reversed by the court of appeal the clerk of the peace shall indorse on the conviction or order appealed against a memorandum that the same has been quashed, and whenever any copy or certificate of such conviction or order is made, a copy of such memorandum shall be added thereto, and shall be sufficient evidence that the conviction or order has been quashed, in every case where such copy or certificate would be sufficient evidence of such conviction or order; and
- (8.) Every notice in writing required by this section to be given by an appellant may be signed by him or by his agent on his behalf, and may be transmitted in a registered letter by the post in the ordinary way, and shall be deemed to have been served at the time when it would be delivered in the ordinary course of post.

**91.** The following provisions shall have effect with respect to summary proceedings for offences and fines under this Act :

Limitation of time and general provisions as to summary proceedings.

- (1.) The information shall be laid within two months, or, where the offence is punishable at discretion by imprisonment, or is a breach of the provisions of this Act with respect to holidays, within three months after the commission of the offence :
- (2.) The description of an offence in the words of this Act, or in similar words, shall be sufficient in law :
- (3.) Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant :
- (4.) It shall be sufficient to allege that a factory or workshop is a factory or workshop within the meaning of this Act, without more :
- (5.) It shall be sufficient to state the name of the ostensible occupier of the factory or workshop or the title of the firm

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by which the occupier employing persons in the factory or workshop is usually known :

- (6.) A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction against which a person is authorised by this Act to appeal shall not be removed by certiorari or otherwise, either at the instance of the Crown or of any private person, into a superior court, except for the purpose of the hearing and determination of a special case.

Evidence in  
summary  
proceedings.

92. If a person is found in a factory, except at meal times, or while all the machinery of the factory is stopped, or for the sole purpose of bringing food to the persons employed in the factory between the hours of four and five o'clock in the afternoon, such person shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory :

Provided that yards, playgrounds, and places open to the public view, school rooms, waiting rooms, and other rooms belonging to the factory in which no machinery is used or manufacturing process carried on, shall not be taken to be any part of the factory within the meaning of this enactment ; and this enactment shall not apply to a factory or workshop to which the provisions of this Act with respect to the affixing of notices do not apply.

Where a child or young person is, in the opinion of the court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the child or young person is not of that age.

A declaration in writing by a certifying surgeon for the district that he has personally examined a person employed in a factory or workshop in that district, and believes him to be under the age set forth in the declaration, shall be admissible in evidence of the age of that person.

A copy of a conviction for an offence against this Act purporting to be certified under the hand of the clerk of the peace having the custody of such conviction to be a true copy shall be receivable as evidence, and every such clerk of the peace shall, upon the written request of an inspector and payment of a fee of one shilling, deliver to him a copy of the conviction so certified.



## PART IV.

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DEFINITIONS, SAVINGS, APPLICATION TO SCOTLAND AND IRELAND,  
AND REPEAL.(1.) *Definitions.***93.** The expression "textile factory" in this Act means—

any premises wherein or within the close or curtilage of which steam, water, or other mechanical power is used to move or work any machinery employed in preparing, manufacturing, or finishing, or in any process incident to the manufacture of, cotton, wool, hair, silk, flax, hemp, jute, tow, china-grass, coconut fibre, or other like material, either separately or mixed together, or mixed with any other material, or any fabric made thereof;

Factories and work-shops to which Act applies.

Provided that print works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, rope works, and hat works shall not be deemed to be textile factories.

The expression "non-textile factory" in this Act means—

- (1.) any works, warehouses, furnaces, mills, foundries, or places named in Part One of the Fourth Schedule to this Act.
- (2.) also any premises or places named in Part Two of the said schedule wherein or within the close or curtilage or precincts of which, steam, water, or other mechanical power is used in aid of the manufacturing process carried on there.
- (3.) also any premises wherein or within the close or curtilage or precincts of which, any manual labour is exercised by way of trade or for purposes of gain in or incidental to the following purposes, or any of them; that is to say,
  - (a.) in or incidental to the making of any article or of part of any article, or
  - (b.) in or incidental to the altering, repairing, ornamenting, or finishing of any article, or
  - (c.) in or incidental to the adapting for sale of any article,

and wherein, or within the close or curtilage or precincts of which, steam, water or other mechanical power is used in aid of the manufacturing process carried on there.

The expression "factory" in this Act means textile factory and non-textile factory, or either of such descriptions of factories.

The expression "workshop" in this Act means—

- (1.) any premises or places named in Part Two of the Fourth Schedule to this Act, which are not a factory within the meaning of this Act,

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- (2.) also any premises, room, or place not being a factory within the meaning of this Act, in which premises, room, or place, or within the close or curtilage or precincts of which premises, any manual labour is exercised by way of trade or for purposes of gain in or incidental to the following purposes or any of them; that is to say,
- (a.) in or incidental to the making of any article or of part of any article, or
  - (b.) in or incidental to the altering, repairing, ornamenting or finishing of any article, or
  - (c.) in or incidental to the adapting for sale of any article,
- and to which or over which premises, room, or place the employer of the persons working therein has the right of access or control.

A part of a factory or workshop may for the purposes of this Act be taken to be a separate factory or workshop; and a place solely used as a dwelling shall not be deemed to form part of the factory or workshop for the purposes of this Act.

Where a place situate within the close, curtilage, or precincts forming a factory or workshop is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory or workshop, such place shall not be deemed to form part of that factory or workshop for the purposes of this Act, but shall, if otherwise it would be a factory or workshop, be deemed to be a separate factory or workshop, and be regulated accordingly.

Any premises or place shall not be excluded from the definition of a factory or workshop by reason only that such premises or place are or is in the open air.

This Act shall not apply to such workshops other than bake-houses as are conducted on the system of not employing any child, young person, or woman therein, but save as aforesaid applies to all factories and workshops as before defined, inclusive of factories and workshops belonging to the Crown; provided that in case of any public emergency a Secretary of State may exempt a factory or workshop belonging to the Crown from this Act to the extent and during the period named by him.

The exercise by any child or young person in any recognised efficient school during a portion of the school hours of any manual labour for the purpose of instructing such child or young person in any art or handicraft shall not be deemed to be an exercise of manual labour for the purpose of gain within the meaning of this Act.

Definition of  
employ-  
ment and

94. A child, young person, or woman who works in a factory or workshop, whether for wages or not, either in a manufacturing

process or handicraft, or in cleaning any part of the factory or workshop used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein, shall, save as is otherwise provided by this Act, be deemed to be employed therein within the meaning of this Act.

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working for hire.

For the purposes of this Act an apprentice shall be deemed to work for hire.

**95.** The expression "certified efficient school" in this Act means a public elementary school within the meaning of the Elementary Education Acts, 1870 and 1873, and any workhouse school in England certified to be efficient by the Local Government Board, and also any elementary school which is not conducted for private profit and is open at all reasonable times to the inspection of Her Majesty's inspectors of schools, and requires the like attendance from its scholars as is required in a public elementary school, and keeps such registers of those attendances as may be for the time being required by the Education Department, and is certified by the Education Department to be an efficient school; and the expression "recognised efficient school" means a certified efficient school as above defined, and also any school which the Education Department have not refused to take into consideration under the Elementary Education Act, 1870, as a school giving efficient elementary education to and suitable for the children of a school district, and which is recognised for the time being by an inspector under this Act as giving efficient elementary education, and the inspector shall immediately report to the Education Department every school so recognised by him.

Definition of "certified efficient school."  
33 & 34 Vict. c. 75.  
36 & 37 Vict. c. 86.

Definition of "recognised efficient school."

33 & 34 Vict. c. 75.

**96.** In this Act, unless the context otherwise requires,—

General definitions.  
"Child."

The expression "child" means a person under the age of fourteen years :

The expression "young person" means a person of the age of fourteen years and under the age of eighteen years :

"Young person."

The expression "woman" means a woman of eighteen years of age and upwards :

"Woman."

The expression "parent" means a parent or guardian of, or person having the legal custody of, or the control over, or having direct benefit from the wages, of a child or young person :

"Parent."

The expression "Treasury" means the Commissioners of Her Majesty's Treasury :

"Treasury."

The expression "Secretary of State" means one of Her Majesty's Principal Secretaries of State :

"Secretary of State."

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"Education Department."

"Sanitary authority."  
38 & 39 Vict.  
c. 55.  
"Person."

"Week."

"Night."

"Pre-scribed."

"Summary Jurisdiction Acts."

"Court of summary jurisdiction."

"Mill-gearing."

Exemption of handicrafts in Fifth Schedule in private houses.

The expression "Education Department" means the Lords of the Committee of the Privy Council on Education :

The expression "sanitary authority" means an urban or rural sanitary authority within the meaning of the Public Health Act, 1875, and any commissions, board, or vestry in the metropolis having the like powers as such urban sanitary authority :

The expression "person" includes a body of persons corporate or unincorporate :

The expression "week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night :

The expression "night" means the period between nine o'clock in the evening and six o'clock in the succeeding morning :

The expression "prescribed" means prescribed for the time being by a Secretary of State :

The expression "Summary Jurisdiction Acts" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any Acts amending the same :

The expression "court of summary jurisdiction" means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred thereto :

The expression "mill-gearing" comprehends every shaft, whether upright, oblique, or horizontal, and every wheel, drum, or pulley by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process.

The factories and workshops named in the Fourth Schedule to this Act are in this Act referred to by the names therein assigned to them.

*Special exemption of certain Trades.*

97. The exercise in a private house or private room by the family dwelling therein, or by any of them, of manual labour by way of trade or for purposes of gain in or incidental to any of the handicrafts specified in the Fifth Schedule to this Act, shall not of itself constitute such house or room a workshop within the meaning of this Act.

When it is proved to the satisfaction of a Secretary of State that by reason of the light character of the handicraft carried on in any private house or private room by the family dwelling therein, or

by any of them, it is expedient to extend this section to that handicraft, he may by order extend the same. A.D. 1878.

The order shall be made in manner provided by Part Two of this Act, and that part shall apply so far as circumstances admit as if the order were an order extending an exception.

**98.** The exercise in a private house or private room by the family dwelling therein, or by any of them, of manual labour for the purposes of gain in or incidental to some of the purposes in this Act in that behalf mentioned, shall not of itself constitute such house or room a workshop where the labour is exercised at irregular intervals, and does not furnish the whole or principal means of living to such family. Exemption of certain home-work.

(2.) *Savings.*

**99.** Where in a factory the owner or hirer of a machine or implement moved by steam, water, or other mechanical power, in or about or in connexion with which machine or implement children, young persons, or women are employed, is some person other than the occupier of a factory, and such children, young persons, or women are in the employment and pay of the owner or hirer of such machine or implement, in any such case such owner or hirer shall, so far as respects any offence against this Act which may be committed in relation to such children, young persons, or women, be deemed to be the occupier of the factory. Saving as to liability of hirer of machine where not occupier.

**100.** Nothing in this Act shall extend—

- (1.) To any young person, being a mechanic, artisan, or labourer, working only in repairing either the machinery in or any part of a factory or workshop; or
- (2.) To the process of gutting, salting, and packing fish immediately upon its arrival in the fishing boats. Saving for person employed in repair of machinery or of factory or workshop, or in process of curing fish.

**101.** The provisions of section ninety-one of the Public Health Act, 1875, with respect to a factory, workshop, or workplace not kept in a cleanly state or not ventilated or overcrowded, shall not apply to a factory or workshop which is subject to the provisions of this Act relating to cleanliness, ventilation, and overcrowding, but shall apply to every other factory, workshop, and workplace. Application to factories and workshops of 38 & 39 Vict. c. 55.

It is hereby declared that the Public Health Act, 1875, shall apply to buildings in which persons are employed, whatever their number may be, in like manner as it applies to buildings where more than twenty are employed.

**102.** Any enactment or document referring to the Acts repealed by this Act, or any of them, or to any enactment thereof, shall be construed to refer to this Act and to the corresponding enactment thereof. Construction of enactments, &c. referring to repealed Acts.



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(3.) *Application of Act to Scotland and Ireland.*

Temporary  
saving for  
employment  
of children  
under 10  
and children  
over 13  
in Scotland  
and Ireland.

103. The provisions of this Act shall, in the case of a factory or workshop in Scotland or Ireland, in which a child under the age of ten years may lawfully be employed at the passing of this Act, be modified as follows; that is to say,

- (1.) Shall apply during twelve months after the commencement of this Act to children of the age of nine years and upwards, as if they were of the age of ten years; and
- (2.) Shall not prevent a child who, before the commencement of this Act, is lawfully employed in any factory or workshop as a child under the age of nine years, or any child who during the twelve months next after the commencement of this Act is lawfully employed in any factory or workshop as a child under the age of ten years, from continuing to be employed in a factory or workshop in like manner as if the child were above the age of ten years; and
- (3.) Shall apply during twelve months after the commencement of this Act to children of the age of thirteen years and upwards as if they were young persons; and
- (4.) Shall not prevent a child, who before the expiration of twelve months after the commencement of this Act is lawfully employed in a factory or workshop as a young person, from continuing to be employed in a factory or workshop as a young person.

Certificates  
of birth for  
purposes of  
Act.

104. Where the age of any child is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the elementary education or employment in labour of such child, any person, on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by a Secretary of State, and on payment of such fee, not exceeding one shilling, as a Secretary of State from time to time fixes, shall be entitled to obtain—

- (1.) In Scotland an extract under the hand of the registrar under the Act of the seventeenth and eighteenth years of Her present Majesty, chapter eighty, and any Acts amending the same, of the entry in the register kept under those Acts; and

23 & 27 Vict.  
c. 11.

- (2.) In Ireland a certified copy under the hand of the registrar or superintendent registrar under the Registration of Births and Deaths (Ireland) Act of the entry in the register under that Act of the birth of the child named in the requisition.

Application  
of Act to  
Scotland.

105. In the application of this Act to Scotland—

- (1.) The expression “certified efficient school” means any public or other elementary school under Government inspection:

- (2.) In lieu of Christmas Day and either Good Friday or the next public holiday under the Holidays Extension Act, 1875, there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop the whole of two days separated from each other by an interval of not less than three months, one of which shall be a day set apart by the Church of Scotland for the observance of the sacramental fast in the parish in which the factory or workshop is situate, or some other day substituted for such day as aforesaid by the occupier specifying the same in the notice affixed in the factory or workshop. A.D. 1878.  
38 & 39 Vict.  
c. 13.
- (3.) The expression "sanitary authority" means the local authority under the Public Health (Scotland) Act, 1867: 30 & 31 Vict.  
c. 101.
- (4.) The expression "medical officer of health" means the medical officer under the Public Health (Scotland) Act, 1867, or where no such officer has been appointed, the medical officer appointed by the parochial board:  
The expression "poor law medical officer" means the medical officer appointed by the parochial board:
- (5.) The expression "Companies Clauses Consolidation Act, 1845" means the Companies Clauses Consolidation (Scotland) Act, 1845: 8 & 9 Vict.  
c. 16.  
8 & 9 Vict.  
c. 17.
- (6.) The expression "Summary Jurisdiction Act" means the Summary Procedure Act, 1864, and any Acts amending the same: 27 & 28 Vict.  
c. 53.
- (7.) The expression "court of summary jurisdiction" means the sheriff of the county or any of his substitutes:
- (8.) The expression "Education Department" means the Lords of the Committee of the Privy Council appointed by Her Majesty on Education in Scotland:
- (9.) The expression "county court" means the sheriff court:
- (10.) All matters required by this Act to be published in the London Gazette shall (if they relate exclusively to Scotland), instead of being published in the London Gazette, be published in the Edinburgh Gazette only:
- (11.) The expression "information" means petition or complaint:
- (12.) The expression "informant" means petitioner, pursuer, or complainer:
- (13.) The expression "defendant" means defender or respondent:
- (14.) The expression "clerk of the peace" means sheriff clerk:
- (15.) All offences under this Act shall be prosecuted and all penaltics under this Act shall be recovered under the pro-

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- visions of the Summary Jurisdiction Acts, at the instance, of the procurator fiscal or of an inspector under this Act :
- (16.) The court may make, and may also from time to time alter or vary, summary orders under this Act on petition by such procurator fiscal or inspector presented in common form :
- (17.) All fines under this Act in default of payment, and all orders made under this Act failing compliance, may be enforced by imprisonment for a term to be specified in the order or conviction, but not exceeding three months :
- (18.) It shall be no objection to the competency of an inspector to give evidence as a witness in any prosecution for offences under this Act, that such prosecution is brought at the instance of such inspector :
- (19.) Every person convicted of an offence under this Act shall be liable in the reasonable costs and charges of such conviction :
- (20.) All penalties imposed and recovered under this Act shall be paid to the clerk of the court, and by him accounted for and paid to the Queen's and Lord Treasurer's Remembrancer, on behalf of Her Majesty's Exchequer, and shall be carried to the Consolidated Fund :
- (21.) All jurisdictions, powers, and authorities necessary for the purposes of this section are conferred on the sheriffs and their substitutes :
- (22.) Any person may appeal from any order or conviction under this Act to the Court of Justiciary, under and in terms of the Act of the twentieth year of the reign of His Majesty King George the Second, chapter forty-three, or under any enactment amending that Act, or applying or incorporating its provisions, or any of them, with regard to appeals, or to the Court of Justiciary at Edinburgh under and in terms of the Summary Prosecutions Appeal (Scotland) Act, 1875.

38 & 39 Vict.  
c. 62.Application  
of Act to  
Ireland.**106.** In the application of this Act to Ireland—

- (1.) The expression "certified efficient school" means any national school, or any school recognised by the Lord Lieutenant and Privy Council as affording sufficient means of literary education for the purposes of this Act :
- (2.) In lieu of any two half-holidays allowed under the provisions of sub-section (2) in section twenty-two of this Act, there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop the whole of the seventeenth day of March : Provided, that when

this date falls on a Sunday, this sub-section shall have no effect as regards such date: A.D. 1878.

- (3.) The expression "sanitary authority" means an urban or rural sanitary authority within the meaning of the Public Health (Ireland) Act, 1874, and any Act amending the same: 37 & 38 Vict. c. 93.
- (4.) The expression "medical officer of health" means the medical sanitary officer of the sanitary district:  
The expression "poor law medical officer" means the dispensary doctor:
- (5.) Any act authorised to be done or consent required to be given by the Education Department under this Act shall be done and given by the Lord Lieutenant or Lords Justices of Ireland, acting by and with the advice of the Privy Council in Ireland:
- (6.) The expression "county court" means the civil bill court:
- (7.) The expression "Summary Jurisdiction Acts" means, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and any Act amending the same: 14 & 15 Vict. c. 93.
- (8.) A court of summary jurisdiction when hearing and determining an information or complaint in any matter arising under this Act shall be constituted within the police district of Dublin metropolis of one of the divisional justices of that district sitting at a police court within the district, and elsewhere of a stipendiary magistrate sitting alone, or with others, or of two or more justices of the peace sitting in petty sessions at a place appointed for holding petty sessions:
- (9.) Appeals from a court of summary jurisdiction shall lie in the manner and subject to the conditions and regulations prescribed in the twenty-fourth section of the Petty Sessions (Ireland) Act, 1851, and any Acts amending the same: 14 & 15 Vict. c. 93.
- (10.) All fines imposed under this Act shall, save as is otherwise expressly provided by this Act, be applied in the manner directed by the Fines Act (Ireland), 1851, and any Act amending the same: 14 & 15 Vict. c. 90.
- (11.) The provisions of section nineteen of the Public Health Act, 1866, or of any enactment substituted for that section with respect to any factory, workshop, or workplace not kept in a cleanly state, or not ventilated, or overcrowded 29 & 30 Vict. c. 90.

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shall not apply to any factory or workshop which is subject to the provisions of this Act with respect to cleanliness, ventilation, and overcrowding, but shall apply to every other factory, workshop, and workplace :

37 & 38 Vict.  
c. 93.

It is hereby declared that the Sanitary Acts within the meaning of the Public Health (Ireland) Act, 1874, shall apply to buildings in which persons are employed, whatever their number may be, in like manner as they apply to buildings where more than twenty persons are employed :

- (12.) All matters required by this Act to be published in the London Gazette shall, if they relate exclusively to Ireland, instead of being published in the London Gazette, be published in the Dublin Gazette only.

(4.) *Repeal.*Repeal of  
Acts.

**107.** The Acts specified in the Sixth Schedule to this Act are hereby repealed from and after the commencement of this Act, to the extent in the third column of that schedule mentioned :

Provided that—

- (1.) All notices affixed in the factory in pursuance of the Acts hereby repealed shall, so far as they are in accordance with the provisions of this Act, be deemed to have been affixed in pursuance of this Act ; and
- (2.) All inspectors, sub-inspectors, officers, clerks, and servants appointed in pursuance of the Acts hereby repealed shall continue in office and shall be subject to removal and have the same powers and duties as if they had been appointed in pursuance of this Act ; and
- (3.) All certifying surgeons appointed in pursuance of any Act hereby repealed shall be deemed to have been appointed in pursuance of this Act ; and
- (4.) All surgical certificates granted in pursuance of any Act hereby repealed shall have effect as certificates of fitness for employment granted in pursuance of this Act, and all registers kept in pursuance of any Act hereby repealed shall, until otherwise directed by a Secretary of State, be deemed to be the registers required by this Act ; and
- (5.) Any order made by a Secretary of State in pursuance of any enactment hereby repealed for granting any permission or relaxation to any factories or workshops may, if the Secretary of State so direct, continue in force for a period not exceeding three months after the commencement of this Act ; and



- (6.) The standard of proficiency fixed by the Education Department in pursuance of any enactment hereby repealed shall be deemed to have been fixed in pursuance of this Act; and A.D. 1878.  
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- (7.) A child exempted by section eight of the Elementary Education Act, 1876, from the provisions of section twelve of the Factory Act, 1874, by reason of his having attained the age of eleven years before the first day of January 1877, shall, on attaining the age of thirteen years, be deemed to be a young person within the meaning of this Act: 39 & 40 Vict.  
c. 79.  
37 & 38 Vict.  
c. 44.
- (8.) This repeal shall not affect—
- (a.) Anything duly done or suffered under any enactment hereby repealed; or
  - (b.) Any obligation or liability incurred under any enactment hereby repealed; or
  - (c.) Any penalty or punishment incurred in respect of any offence committed against an enactment hereby repealed; or
  - (d.) Any legal proceeding or remedy in respect of any such obligation, liability, penalty, or punishment as aforesaid, and any such legal proceeding and remedy may be carried on as if this Act had not passed.

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SCHEDULES.

Section 38.

FIRST SCHEDULE.SPECIAL PROVISIONS FOR HEALTH.

*Factories and Workshops in which the Employment of Young Persons and Children is restricted.*

Restriction  
of employ-  
ment of  
young per-  
sons and  
children ;

1. In a part of a factory or workshop in which there is carried on—  
the process of silvering of mirrors by the mercurial process ; or  
the process of making white lead,  
a young person or child shall not be employed.

of children,  
&c. in glass  
works ;

2. In the part of a factory in which the process of melting or annealing glass is carried on a child or female young person shall not be employed.

of girls  
under 16 in  
certain  
employ-  
ments ;

3. In a factory or workshop in which there is carried on—  
(a.) the making or finishing of bricks or tiles not being orna-  
mental tiles ; or  
(b.) the making or finishing of salt,  
a girl under the age of sixteen years shall not be employed.

of children  
in metal  
grinding and  
lucifer match  
dipping ;

4. In a part of a factory or workshop in which there is carried on—  
(a.) Any dry grinding in the metal trade, or  
(b.) the dipping of lucifer matches,  
a child shall not be employed.

of child  
under 11  
in dry  
grinding, &c.

5. In any grinding in the metal trades other than dry grinding or in fustian cutting a child under the age of eleven years shall not be employed.

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## SECOND SCHEDULE.

## SPECIAL RESTRICTIONS.

Section 39.

*Places forbidden for Meals.*

The prohibition on a child, young person, or woman taking a meal or remaining during the times allowed for meals in certain parts of factories or workshops applies to the parts of factories and workshops following; that is to say,

- (1.) In the case of glass works, to any part in which the materials are mixed; and
- (2.) In the case of glass works where flint glass is made, to any part in which the work of grinding, cutting, or polishing is carried on; and
- (3.) In the case of lucifer-match works, to any part in which any manufacturing process or handicraft (except that of cutting the wood) is usually carried on; and
- (4.) In the case of earthenware works, to any part known or used as dippers house, dippers drying room, or china scouring room.

As to parts of factories or workshops in which children, young persons, and women are forbidden to take meals.

## THIRD SCHEDULE.

## SPECIAL EXCEPTIONS.

Section 42.

## PART ONE.

*Period of Employment.*

The exception respecting the employment of children, young persons, and women between the hours of eight in the morning and eight in the evening, and on Saturday between the hours of eight in the morning and four in the afternoon or between the hours of seven in the morning and three in the afternoon, applies to any factory or workshop or part thereof in which any of the following manufacturing processes or handicrafts are carried on; that is to say,

- (a.) Lithographic printing:
- (b.) Turkey red dyeing:
- (c.) The making of any article of wearing apparel:
- (d.) The making of furniture hangings:
- (e.) Artificial flower making:
- (f.) Bon-bon and Christmas present making:
- (g.) Valentine making:
- (h.) Fancy box making:

Employment of children, young persons, and women between 8 a.m. and 8 p.m. in certain trades.

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- (i.) Envelope making :
- (k.) Almanac making :
- (l.) Playing card making :
- (m.) Machine ruling :
- (n.) Biscuit making :
- (o.) Firewood cutting :
- (p.) Job dyeing : or
- (q.) Aërated water making ; and also to
- (r.) Bookbinding works :
- (s.) Letter-press printing works : and
- (t.) A part of a factory or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing up goods.

Section 52.

## PART TWO.

*Meal Hours.*

Cases in which provisions as to meal times are not to apply.

The cases in which the provisions of this Act as to meal times being allowed at the same hour of the day are not to apply are—

- (1.) The case of children, young persons, and women employed in the following factories ; that is to say,
  - Blast furnaces,
  - Iron mills,
  - Paper mills,
  - Glass works, and
  - Letter-press printing works ; and

- (2.) The cases of male young persons employed in that part of any print works or bleaching and dyeing works in which the process of dyeing or open-air bleaching is carried on.

The cases in which and the extent to which the provisions of this Act as to a child, young person, or woman during the times allowed for meals being employed or being allowed to remain in a room in which a manufacturing process or handicraft is being carried on, are not to apply are—

- (1.) The case of children, young persons, and women employed in the following factories ; that is to say,
  - Iron mills,
  - Paper mills,
  - Glass works (save as otherwise provided by this Act), and
  - Letter-press printing works ; and

- (2.) The case of a male young person employed in that part of any print works or bleaching and dyeing works in which

the process of dyeing or open-air bleaching is carried on, to this extent, that the said provisions shall not prevent him, during the times allowed for meals to any other young person or to any child or woman, from being employed or being allowed to remain in any room in which any manufacturing process is carried on, and shall not prevent, during the times allowed for meals to such male young person, any other young person or any child or woman from being employed in the factory or allowed to remain in any room in which any manufacturing process is carried on.

PART THREE.      Section 53.  
*Overtime.*

The exception with respect to the employment of young persons and women for forty-eight days in any twelve months during a period of employment, beginning at six or seven o'clock in the morning and ending at eight or nine o'clock in the evening, or beginning at eight o'clock in the morning and ending at ten o'clock in the evening, applies to each of the factories and workshops, and parts thereof, following; that is to say,

Factories and workshops in which young persons and women may be allowed to work for 14 hours a day under certain restrictions.

- (1.) Where the material which is the subject of the manufacturing process or handicraft is liable to be spoiled by weather; namely,
  - (a.) Flax scutch mills; and
  - (b.) A factory or workshop or part thereof in which is carried on the making or finishing of bricks or tiles not being ornamental tiles; and
  - (c.) The part of rope works in which is carried on the open-air process; and
  - (d.) The part of bleaching and dyeing works in which is carried on open-air bleaching or Turkey red dyeing; and
  - (e.) A factory or workshop or part thereof in which is carried on glue making; and
- (2.) Where press of work arises at certain recurring seasons of the year; namely,
  - (f.) Letter-press printing works;
  - (g.) Bookbinding works; anda factory, workshop, or part thereof in which is carried on the manufacturing process or handicraft of—
  - (h.) Lithographic printing; or
  - (i.) Machine ruling; or



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- (*k.*) Firewood cutting; or
- (*l.*) Bon-bon and Christmas present making; or
- (*m.*) Almanac making; or
- (*n.*) Valentine making; or
- (*o.*) Envelope making; or
- (*p.*) Aërated water making; or
- (*q.*) Playing card making; and
- (3.) Where the business is liable to sudden press of orders arising from unforeseen events; namely,
  - a factory or workshop, or part thereof, in which is carried on the manufacturing process or handicraft of—
  - (*r.*) The making up of any article of wearing apparel; or
  - (*s.*) The making up of furniture hangings; or
  - (*t.*) Artificial flower making; or
  - (*u.*) Fancy box making; or
  - (*v.*) Biscuit making; or
  - (*w.*) Job dyeing; and also,
  - (*x.*) A part of a factory or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing up goods.

Provided that the said exception shall not apply—

- (*a.*) Where persons are employed at home, that is to say, to a private house, room, or place which, though used as a dwelling, is by reason of the work carried on there a factory or workshop within the meaning of this Act, and in which neither steam, water, nor other mechanical power is used, and in which the only persons employed are members of the same family dwelling there; or
- (*b.*) To a workshop or part thereof which is conducted on the system of not employing any child or young person therein.

Section 54.

PART FOUR.

*Additional Half Hour.*

Factories in which a child, young person, or woman may be employed

The exception with respect to the employment of a child, young person, or woman for a further period of thirty minutes where the process is in an incomplete state applies to the factories following; (that is to say,)

- (*a.*) Bleaching and dyeing works;

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for an additional half hour.

- (b.) Print works ;
- (c.) Iron mills in which male young persons are not employed during any part of the night ;
- (d.) Foundries in which male young persons are not employed during any part of the night ; and
- (e.) Paper mills in which male young persons are not employed during any part of the night.

PART FIVE.

Section 56.

*Overtime for Perishable Articles.*

The exception with respect to the employment of women for ninety-six days in any twelve months during a period of employment beginning at six or seven o'clock in the morning and ending at eight or nine o'clock in the evening applies to a factory or workshop or part thereof in which any of the following processes is carried on ; namely,

Factories and workshops in which women may be employed for 14 hours a day.

- The process of making preserves from fruit,
- The process of preserving or curing fish, or
- The process of making condensed milk.

PART SIX.

Section 58.

*Night Work.*

The exception with respect to the employment of male young persons during the night applies to the factories following ; (that is to say,)

Factories in which male young persons may be employed at night.

- (a.) Blast furnaces,
- (b.) Iron mills,
- (c.) Letter-press printing works, and
- (d.) Paper mills.

PART SEVEN.

Section 48.

*Spell.*

The exception respecting the continuous employment in certain textile factories during the winter months of children, young persons, and women without an interval of at least half an hour for a meal for the same period as in a non-textile factory, applies to textile factories solely used for—

Continuous employment of children, young persons, and women for five hours in certain textile factories during the winter months.

- (a.) The making of elastic web ; or
- (b.) The making of ribbon ; or
- (c.) The making of trimming.

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## FOURTH SCHEDULE.

## LIST OF FACTORIES AND WORKSHOPS.

Sections 93,  
96.

## PART ONE.

*Non-Textile Factories.*

- "Print works." (1.) "Print works," that is to say, any premises in which any persons are employed to print figures, patterns, or designs upon any cotton, linen, woollen, worsted, or silken yarn, or upon any woven or felted fabric not being paper;
- "Bleaching and dyeing works." (2.) "Bleaching and dyeing works," that is to say, any premises in which the processes of bleaching, beetling, dyeing, calendering, finishing, hooking, lapping, and making up and packing any yarn or cloth of any material, or the dressing or finishing of lace, or any one or more of such processes, or any process incidental thereto, are or is carried on;
- "Earthenware works." (3.) "Earthenware works," that is to say, any place in which persons work for hire in making or assisting in making, finishing, or assisting in finishing, earthenware of any description, except bricks and tiles not being ornamental tiles;
- "Lucifer-match works." (4.) "Lucifer-match works," that is to say, any place in which persons work for hire in making lucifer matches, or in mixing the chemical materials for making them, or in any process incidental to making lucifer matches, except the cutting of the wood;
- "Percussion-cap works." (5.) "Percussion-cap works," that is to say, any place in which persons work for hire in making percussion caps, or in mixing or storing the chemical materials for making them, or in any process incidental to making percussion caps;
- "Cartridge works." (6.) "Cartridge works," that is to say, any place in which persons work for hire in making cartridges, or in any process incidental to making cartridges, except the manufacture of the paper or other material that is used in making the cases of the cartridges;
- "Paper-staining works." (7.) "Paper-staining works," that is to say, any place in which persons work for hire in printing a pattern in colours upon sheets of paper, either by blocks applied by hand, or by rollers worked by steam, water, or other mechanical power;
- "Fustian-cutting works." (8.) "Fustian-cutting works," that is to say, any place in which persons work for hire in fustian cutting;
- "Blast furnaces." (9.) "Blast furnaces," that is to say, any blast furnace or other furnace or premises in or on which the process of smelting or otherwise obtaining any metal from the ores is carried on;
- "Copper mills." (10.) "Copper mills";

(11.) "Iron mills," that is to say, any mill, forge, or other premises in or on which any process is carried on for converting iron into malleable iron, steel, or tin plate, or for otherwise making or converting steel; A.D. 1878.  
"Iron mills."

(12.) "Foundries," that is to say, iron foundries, copper foundries, brass foundries, and other premises or places in which the process of founding or casting any metal is carried on; except any premises or places in which such process is carried on by not more than five persons and as subsidiary to the repair or completion of some other work; "Foundries."

(13.) "Metal and india-rubber works," that is to say, any premises in which steam, water, or other mechanical power is used for moving machinery employed in the manufacture of machinery, or in the manufacture of any article of metal not being machinery, or in the manufacture of india-rubber or gutta-percha, or of articles made wholly or partially of india-rubber or gutta-percha; "Metal and india-rubber works."

(14.) "Paper mills," that is to say, any premises in which the manufacture of paper is carried on; "Paper mills."

(15.) "Glass works," that is to say, any premises in which the manufacture of glass is carried on; "Glass works."

(16.) "Tobacco factories," that is to say, any premises in which the manufacture of tobacco is carried on; "Tobacco factory."

(17.) "Letter-press printing works," that is to say, any premises in which the process of letter-press printing is carried on; "Letter-press printing works."

(18.) "Bookbinding works," that is to say, any premises in which the process of book-binding is carried on; "Bookbinding works."

(19.) Flax scutch mills. "Flax scutch mills."

## PART TWO.

### *Non-Textile Factories and Workshops.*

Sections 93,  
96.

(20.) "Hat works," that is to say, any premises in which the manufacture of hats or any process incidental to their manufacture is carried on; "Hatworks."

(21.) "Rope works," that is to say, any premises being a ropery ropewalk, or rope work, in which is carried on the laying or twisting or other process of preparing or finishing the lines, twines, cords, or ropes, and in which machinery moved by steam, water, or other mechanical power is not used for drawing or spinning the fibres of flax, hemp, jute, or tow, and which has no internal communication with any buildings or premises joining or forming part of a textile factory, except such communication as is necessary for the transmission of power; "Rope works."

- A.D. 1878. (22.) "Bakehouses," that is to say, any places in which are  
 "Bake- baked bread, biscuits, or confectionery from the baking or selling  
 houses." of which a profit is derived ;
- "Lace ware- (23.) "Lace warehouses," that is to say, any premises, room, or  
 houses." place not included in bleaching and dyeing works as herein-before  
 defined, in which persons are employed upon any manufacturing  
 process or handicraft in relation to lace, subsequent to the making  
 of lace upon a lace machine moved by steam, water, or other  
 mechanical power ;
- "Ship build- (24.) "Shipbuilding yards," that is to say, any premises in which  
 ing yards." any ships, boats, or vessels used in navigation are made, finished,  
 or repaired ;
- "Quarries." (25.) "Quarries," that is to say, any place not being a mine, in  
 which persons work in getting slate, stone, coprolites, or other  
 minerals.
- "Pit banks." (26) "Pit-banks," that is to say, any place above ground  
 adjacent to a shaft of a mine, in which place the employment of  
 women is not regulated by the Coal Mines Regulation Act, 1872,  
 or the Metalliferous Mines Regulation Act, 1872. whether such  
 place does or does not form part of the mine within the meaning  
 of those Acts.

Section 97.

## FIFTH SCHEDULE.

### SPECIAL EXEMPTIONS.

Straw plaiting.  
 Pillow-lace making.  
 Glove making.



A.D. 1878.

## SIXTH SCHEDULE.

*Acts repealed.*

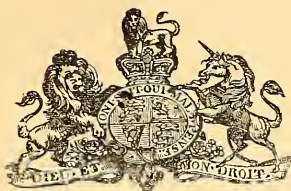
Section 107.

Session and Chapter.	Title of Act.	Extent of Repeal.
42 Geo. 3. c. 73. -	An Act for the preservation of the health and morals of apprentices and others employed in cotton and other mills and cotton and other factories.	The whole Act.
3 & 4 Will. 4. c. 103.	An Act to regulate the labour of children and young persons in the mills and factories of the United Kingdom.	The whole Act.
7 & 8 Vict. c. 15. -	An Act to amend the laws relating to labour in factories.	The whole Act.
9 & 10 Vict. c. 40. -	An Act to declare certain ropeworks not within the operation of the Factory Acts.	The whole Act.
13 & 14 Vict. c. 54. -	An Act to amend the Acts relating to labour in factories.	The whole Act.
16 & 17 Vict. c. 104. -	An Act further to regulate the employment of children in factories.	The whole Act.
19 & 20 Vict. c. 38. -	The Factory Act, 1856 - - -	The whole Act.
24 & 25 Vict. c. 117. -	An Act to place the employment of women, young persons, youths, and children in lace factories under the regulations of the Factories Acts.	The whole Act.
26 & 27 Vict. c. 40. -	The Bakehouse Regulation Act, 1863	The whole Act.
27 & 28 Vict. c. 48. -	The Factory Acts Extension Act, 1864.	The whole Act.
29 & 30 Vict. c. 90. -	The Sanitary Act, 1866 - - -	The following words (so far as unrepealed) in section nineteen, "not already under the operation of any general Act for the regulation of factories or bakehouses."
30 & 31 Vict. c. 103. -	The Factory Acts Extension Act, 1867.	The whole Act.
30 & 31 Vict. c. 146. -	The Workshop Regulation Act, 1867	The whole Act.
33 & 34 Vict. c. 62. -	The Factory and Workshop Act, 1870	The whole Act.
34 & 35 Vict. c. 19. -	An Act for exempting persons professing the Jewish religion from penalties in respect of young persons and females professing the said religion working on Sundays.	The whole Act.
34 & 35 Vict. c. 104. -	The Factory and Workshop Act, 1871	The whole Act.
37 & 38 Vict. c. 44. -	The Factory Act, 1874 - - -	The whole Act.

A.D. 1878.

Session and Chapter.	Title of Act.	Extent of Repeal.
38 & 39 Vict. c. 55. -	The Public Health Act, 1875 -	The following words in section four, "more than twenty," and the words "at one time," and the following words in section ninety-one, "not already under the operation of any general Act for the regulation of factories or bakehouses."
39 & 40 Vict. c. 79. -	The Elementary Education Act, 1876	Section eight and the following words in section forty eight "the Factory Acts, 1833 to 1874, as amended by this Act, and includes the Workshop Acts, 1867 to 1871, as amended by this Act, and".

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Printers to the Queen's most Excellent Majesty. 1892.



## CHAPTER 14.

An Act to amend the Law relating to Public Baths and Washhouses. A.D. 1878.  
[27th May 1878.]

**W**HEREAS the Act passed in the session held in the ninth and tenth years of the reign of Her present Majesty, chapter seventy-four, intituled "An Act to encourage the establishment of "Public Baths and Washhouses," was amended by the Act passed in the session held in the tenth and eleventh years of the reign of Her present Majesty, chapter sixty-one, intituled "An Act to "amend the Act for the establishment of Public Baths and Wash- "houses," and it is expedient further to amend the said first-recited Act, and to provide for the establishment of covered swimming baths and other purposes :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as the Baths and Washhouses Act, 1878. Short title.

The words "covered swimming bath" in this Act shall mean a swimming bath protected by a roof or other covering from the weather. "Covered swimming bath."

2. This Act and the recited Acts, as amended by the Statute Law Revision Act, 1875, and the Public Health Act, 1875, and by this Act, shall be construed and carried into execution as one Act ; and the words "the council and the commissioners" when used in this Act shall include the urban authority mentioned in the tenth section of the Public Health Act, 1875. Construction of Act.  
38 & 39 Vict.  
c. 66.  
38 & 39 Vict.  
c. 55.

3. All the provisions of the recited Acts respectively shall be construed to extend and to have extended from the passing of such Acts respectively to covered swimming baths as well as to baths, washhouses, and open bathing places. Covered swimming baths authorised.

A.D. 1878.

As to  
charges for  
swimming  
baths.

Power to  
close swim-  
ming baths  
for a limited  
period.

Power to  
make bye-  
laws.

Power to  
appoint  
officers.

Power to  
make  
charges for  
gymnasium,  
&c.

Powers of  
borrowing,  
&c. extended  
to this Act.

4. The council and the commissioners respectively may from time to time provide covered swimming baths, and make such reasonable charges for the use thereof as they shall think fit, not exceeding the charges mentioned in the schedule annexed to this Act.

5. The council and the commissioners respectively may during such period, not exceeding five months in any one year, as they shall think fit, from the beginning of the month of November to the end of the month of March, close any covered swimming bath or open swimming bath, and may either keep the same closed or may establish therein a gymnasium or such other means of healthful recreation as they shall think fit, or may during such period allow any covered or open swimming bath to be used as an empty building for such purposes of healthful recreation or exercise as they shall think fit during such period as aforesaid, and may at any time allow any portion of the public baths not required by the commissioners to be used for holding vestry meetings or other parochial purposes: Provided always, that no covered or open swimming bath when closed may be used for music or dancing.

6. The council and the commissioners respectively may make byelaws for the regulation, management, and use of the open or swimming baths when used for any of the purposes mentioned in the fifth section of this Act; and all the provisions in the principal Act relating to byelaws shall extend and apply to byelaws made under this section.

7. The council and the commissioners respectively may appoint and remove at pleasure such officers and servants as shall be necessary for the management and superintendence of any gymnasium or other means of recreation established under this Act, and may appoint reasonable salaries, wages, and allowances for such officers and servants.

8. The council and the commissioners respectively may from time to time make such reasonable charges for the use of the gymnasium or other means of recreation established under this Act, or for the use of any covered swimming bath as an empty room, as they shall think fit.

9. The provisions in the twenty-first, twenty-second, and twenty-third sections of the principal Act authorising the borrowing and advancement of money for the purposes of that Act shall be taken to authorise the borrowing and advancement of money in like manner for the purposes of this Act; and the approval of the Local Government Board shall be substituted for that of the Commis-

sioners of Her Majesty's Treasury in all cases where money is borrowed for the purposes of the principal Act or this Act. A.D. 1878.

10. The council and the commissioners respectively, and their respective servants and agents, may remove any person offending against any of the byelaws made under this Act and the recited Acts, or any of them; and any bath or washhouse, or open bathing place, or covered swimming bath, established under this Act and the recited Acts, or any of them, shall be taken to be a public and open place, so as to make offences against decency therein criminal offences.

Power to remove offenders.

Baths, &c. to be considered public and open places.

11. The council and the commissioners respectively, and their respective officers and servants, may refuse admittance to any bath, washhouse, open bathing place, or covered swimming bath, or any of them, to any person (1) who shall have been convicted of wilfully disobeying any of the byelaws in such bath, washhouse, open bathing place, or covered swimming bath; (2) who shall have been convicted of any offence against public decency in any of such baths, washhouses, open bathing places, or covered swimming baths as aforesaid.

Power to refuse admittance to baths, &c. to offenders.

12. The provisions of an Act passed in the session held in the twenty-ninth year of the reign of Her present Majesty, chapter thirty-one, intituled "An Act to provide for superannuation allowances to officers of vestries and other boards within the area of the Metropolis Local Management Act," shall extend to and include officers and servants employed in and about any baths, washhouses, open bathing places, or covered swimming baths established under this Act and the recited Acts, or any of them, by the council or the commissioners within the area of the Metropolis Local Management Act.

Power to make superannuation allowances to officers, &c. employed about baths, &c. within the metropolis.

13. The expense of carrying this Act into execution shall be defrayed, and the income arising from the use in any manner of any covered swimming bath established under the provisions of this Act and the recited Acts, or any of them, shall be applied, in the same manner as that in which the expenses of the principal Act are thereby directed to be defrayed, and the income arising from baths, and washhouses, and open bathing places, is thereby directed to be applied.

Expenses of Act and income arising to be applied as under principal Act.

14. The charge of one halfpenny, fixed by the tenth and eleventh Victoria, chapter sixty-one, section seven, and part five of the schedule to that Act, shall be increased to one penny.

Increase of charge.



A.D. 1878.  

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The SCHEDULE above referred to.  

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## CHARGES FOR COVERED SWIMMING BATHS.

1ST CLASS.—Any sum not exceeding eightpence for each person.

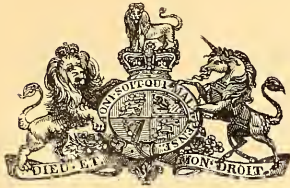
2ND CLASS.—Any sum not exceeding fourpence for each person.

3RD CLASS.—Any sum not exceeding twopence for each person.

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LONDON: Printed by EYRE and SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1887.

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**CHAPTER 30.**

An Act to amend the Sale of Food and Drugs Act, 1875.

A.D. 1879.

[21st July 1879.]

**W**HEREAS conflicting decisions have been given in England and in Scotland in regard to the meaning and effect of section six of the Sale of Food and Drugs Act, 1875, in this Act referred to as the principal Act, and it is expedient, in this respect and otherwise, to amend the said Act: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

38 & 39 Vict.  
c. 63.

**1.** This Act may be cited for all purposes as the Sale of Food and Drugs Act Amendment Act, 1879.

Short title.

**2.** In any prosecution under the provisions of the principal Act for selling to the prejudice of the purchaser any article of food or any drug which is not of the nature, substance, and quality of the article demanded by such purchaser, it shall be no defence to any such prosecution to allege that the purchaser, having bought only for analysis, was not prejudiced by such sale. Neither shall it be a good defence to prove that the article of food or drug in question, though defective in nature or in substance or in quality, was not defective in all three respects.

In sale of adulterated articles no defence to allege purchase for analysis.

**3.** Any medical officer of health, inspector of nuisances, or inspector of weights and measures, or any inspector of a market, or any police constable under the direction and at the cost of the local authority appointing such officer, inspector, or constable, or charged with the execution of this Act, may procure at the place of delivery any sample of any milk in course of delivery to the purchaser or consignee in pursuance of any contract for the sale to such purchaser or consignee of such milk; and such officer, inspector, or constable, if he suspect the same to have been sold

Officer, inspector, or constable may obtain a sample of milk at the place of delivery to submit to analyst.

A.D. 1879.

contrary to any of the provisions of the principal Act, shall submit the same to be analysed, and the same shall be analysed, and proceedings shall be taken, and penalties on conviction be enforced in like manner in all respects as if such officer, inspector, or constable had purchased the same from the seller or consignor under section thirteen of the principal Act.

Penalty for refusal to give milk for analysis.

4. The seller or consignor or any person or persons entrusted by him for the time being with the charge of such milk, if he shall refuse to allow such officer, inspector, or constable to take the quantity which such officer, inspector, or constable shall require for the purpose of analysis, shall be liable to a penalty not exceeding ten pounds.

Extension of Act as to sale in streets, &c.

5. Any street or open place of public resort shall be held to come within the meaning of section seventeen of the principal Act.

Reduction allowed to the extent of 25 degrees under proof for brandy, whisky, or rum, and 35 degrees for gin.

6. In determining whether an offence has been committed under section six of the said Act by selling, to the prejudice of the purchaser, spirits not adulterated otherwise than by the admixture of water, it shall be a good defence to prove that such admixture has not reduced the spirit more than twenty-five degrees under proof for brandy, whisky, or rum, or thirty-five degrees under proof for gin.

Extension of meaning of "county."

7. Every liberty having a separate court of quarter sessions, except a liberty of a cinque port, shall be deemed to be a county within the meaning of the said Act.

Quarter sessions boroughs not to contribute to county analysts.

8. The town council of any borough having a separate court of quarter sessions shall be exempt from contributing towards the expenses incurred in the execution of the principal Act in respect to the county within which such borough is situate, and the treasurer of the county shall exclude the expenses so incurred from the account required by section one hundred and seventeen of the Municipal Corporation Act, 1835, to be sent by him to such town council.

5 & 6 W. 4. c. 76.

Provision for boroughs with separate police.

9. The town council of any borough having under any general or local Act of Parliament, or otherwise, a separate police establishment, and being liable to be assessed to the county rate of the county within which the borough is situate, shall be paid by the justices of such county the proportionate amount contributed towards the expenses incurred by the county in the execution of the principal Act by the several parishes and parts of parishes within such borough in respect of the rateable value of the property

assessable therein, as ascertained by the valuation lists for the time being in force. A.D. 1879.

10. In all prosecutions under the principal Act, and notwithstanding the provisions of section twenty of the said Act, the summons to appear before the magistrates shall be served upon the person charged with violating the provisions of the said Act within a reasonable time, and in the case of a perishable article not exceeding twenty-eight days from the time of the purchase from such person for test purposes of the food or drug, for the sale of which in contravention to the terms of the principal Act the seller is rendered liable to prosecution, and particulars of the offence or offences against the said Act of which the seller is accused, and also the name of the prosecutor, shall be stated on the summons, and the summons shall not be made returnable in a less time than seven days from the day it is served upon the person summoned.

Special provision as to time for proceedings.





# Alkali, &c. Works Regulation Act, 1881.

[44 & 45 VICT. CH. 37.]

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## ARRANGEMENT OF SECTIONS.

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### PRELIMINARY.

A.D. 1881.

#### Section.

1. Short title.
  2. Commencement of Act.
- 

### PART I.

#### *Alkali Works and Alkali Waste.*

3. Condensation of muriatic and other acid gases in alkali works.
  4. Best practicable means to be used for preventing discharge of noxious and offensive gases in alkali works.
  5. Acid drainage and alkali waste to be kept apart.
  6. Deposit or discharge of alkali waste.
  7. Prevention of nuisance from alkali waste already deposited or discharged.
- 

### PART II.

#### *Sulphuric Acid Works and other specified Works.*

8. Condensation of acid gases in sulphuric acid works.
  9. Best practicable means to be used for preventing discharge of noxious and offensive gases in scheduled works.
  10. Provisional Order to prevent discharge of certain gases in salt works.
- 

### PART III.

#### *(i.) Registration of Works.*

11. Registration of works, and stamp duty.
12. Certificate of inspector prior to registration of new works.
13. Supplemental provisions as to duties.

A.D. 1881.

(ii.) *Inspection.*

Section.

14. Appointment of inspectors.
15. Disqualification of certain persons for inspectors.
16. Powers of inspectors.
17. Facilities for inspection.
18. Annual report to Local Government Board.
19. Additional inspector on application of sanitary authorities.

(iii.) *Special Rules.*

20. Power of owners of works to make special rules.

(iv.) *Procedure.*

21. Provision as to calculation of acid.
22. Recovery of fines for offences against Act in county court.
23. Further provisions as to recovery of fines in county court.
24. Application of fines.
25. Discharge of owner on conviction of actual offender.
26. Service of notices.
27. Complaint by sanitary authority in cases of nuisance.
28. Actions in case of contributory nuisance.

(v.) *Definitions; Repeal; Saving.*

29. Interpretation of terms.
30. Repeal of 26 & 27 Vict. c. 124., 31 & 32 Vict. c. 36., and 37 & 38 Vict. c. 43.
31. Saving as to general law.

SCHEDULE :

List of works.



## CHAPTER 37.

An Act to consolidate the Alkali Acts, 1863 and 1874, and to make further provision for regulating Alkali and certain other works in which noxious or offensive gases are evolved. [11th August 1881.] A.D. 1881.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

### PRELIMINARY.

1. This Act may be cited as the Alkali, &c. Works Regulation Act, 1881. Short title.
2. This Act shall (save as otherwise provided in this Act) come into operation on the first day of January 1882, which date is herein-after referred to as the commencement of this Act. Commencement of Act.

### PART I.

#### *Alkali Works and Alkali Waste.*

3. Every alkali work shall be carried on in such manner as to secure the condensation, to the satisfaction of the chief inspector, derived from his own examination, or from that of some other inspector— Condensation of muriatic and other acid gases in alkali works.

(a.) Of the muriatic acid gas evolved in such work, to the extent of ninety-five per centum, and to such an extent that in each cubic foot of air, smoke, or chimney gases, escaping from the works into the atmosphere, there is not contained more than one-fifth part of a grain of muriatic acid.

(b.) Of the acid gases of sulphur and nitrogen which are evolved in the process of manufacturing sulphuric acid or sulphates in

A.D. 1881.

the work, to such an extent that the total acidity of such gases in each cubic foot of air, smoke, or gases, escaping into the chimney or into the atmosphere, does not exceed what is equivalent to four grains of sulphuric anhydride.

The owner of any alkali work which is carried on in contravention of this section shall be liable to a fine not exceeding, in the case of the first offence, fifty pounds, and in the case of every subsequent offence, one hundred pounds.

Best practicable means to be used for preventing discharge of noxious and offensive gases in alkali works.

4. In addition to the condensation of acid gases as aforesaid, the owner of every alkali work shall use the best practicable means for preventing the discharge into the atmosphere of all noxious gases and of all offensive gases evolved in such work, or for rendering such gases harmless and inoffensive when discharged, subject to the qualification that no objection shall be taken under this section by an inspector to any discharge of gas by a chimney or flue, on the basis of the amount of acid gas per cubic foot of air, smoke, or gases, where that amount does not exceed the amount limited by the last preceding section.

If the owner of any alkali work fails, in the opinion of the court having cognisance of the matter, to use such means, he shall be liable to a fine not exceeding, in the case of the first offence, twenty pounds, and in the case of every subsequent offence, fifty pounds, with a further sum not exceeding five pounds for every day during which any such subsequent offence has continued.

Acid drainage and alkali waste to be kept apart.

5. Every work in which acid is produced or used shall be carried on in such manner that the acid shall not come in contact with alkali waste, or with drainage therefrom, so as to cause a nuisance.

The owner of any work which is carried on in contravention of this section shall be liable to a fine not exceeding, in the case of the first offence, fifty pounds, and in the case of every subsequent offence, one hundred pounds, with a further sum not exceeding five pounds for every day during which any such subsequent offence has continued.

On the request of the owner of any such work as is mentioned in this section the sanitary authority of the district in which such work is situate shall, at the expense of such owner, provide and maintain a drain or channel for carrying off the acid produced in such work into the sea or into any river or watercourse into which such acid can be carried without contravention of the Rivers Pollution Prevention Act, 1876; and the sanitary authority shall for the purpose of providing any such drain or channel have the like powers as they

39 & 40 Vict.  
c. 75.

have for providing sewers, whether within or without their district, under the Public Health Act. A.D. 1881.

Compensation shall be made to any person for any damage sustained by him by reason of the exercise by a sanitary authority of the powers conferred by this section, and such compensation shall be deemed part of the expenses to be paid by the owner making the request to the sanitary authority under this section.

6. Alkali waste shall not be deposited or discharged without the best practicable means being used for effectually preventing any nuisance arising therefrom. Deposit or discharge of alkali waste.

Any person who causes or knowingly permits any alkali waste to be deposited or discharged in contravention of this section shall be liable to a fine not exceeding, in the case of the first offence, twenty pounds, and in the case of every subsequent offence, fifty pounds, with a further sum not exceeding five pounds for every day during which any such subsequent offence has continued.

7. Where alkali waste has been deposited or discharged, either before or after the commencement of this Act, and complaint is made to the chief inspector that a nuisance is occasioned thereby, the chief inspector, if satisfied of the existence of the nuisance, and that it is within the power of the owner or occupier of the land to abate it, shall serve a notice on such owner or occupier requiring him to abate the nuisance; and if such owner or occupier fails to use the best practicable and reasonably available means for the abatement thereof he shall be liable to a fine not exceeding twenty pounds, and if he does not proceed to use such means within such time as shall be limited by the court inflicting such fine then he shall be liable to a further penalty of five pounds per day from the expiration of the time so limited. Prevention of nuisance from alkali waste already deposited or discharged.

## PART II.

### *Sulphuric Acid Works and other specified Works.*

8. Every sulphuric acid work as defined in the schedule to this Act shall be carried on in such manner as to secure the condensation, to the satisfaction of the chief inspector, derived from his own examination or from that of some other inspector, of the acid gases of sulphur and nitrogen which are evolved in the process of the manufacture of sulphuric acid in such work, to such an extent that the total acidity of such gases in each cubic foot of air, smoke, or gases escaping into the chimney or into the atmosphere does not exceed what is equivalent to four grains of sulphuric anhydride. Condensation of acid gases in sulphuric acid works.



A.D. 1881.

The owner of any sulphuric acid work which is carried on in contravention of this section shall be liable to a fine not exceeding, in the case of the first offence, fifty pounds, and in the case of every subsequent offence, one hundred pounds.

Best practicable means to be used for preventing discharge of noxious and offensive gases in scheduled works.

9. The owner of any work specified in the schedule to this Act (herein-after referred to as a scheduled work) shall use the best practicable means for preventing the discharge into the atmosphere of all noxious gases and of all offensive gases evolved in such work, or for rendering such gases harmless and inoffensive when discharged, subject to the qualification, in the case of sulphuric acid works, that no objection shall be taken under this section by an inspector to any discharge of gas by a chimney or flue, on the basis of the amount of acid gas per cubic foot of air smoke or gases, where that amount does not exceed the amount limited by the last preceding section.

If the owner of any such work fails, in the opinion of the court having cognisance of the matter, to use such means, he shall be liable to a fine not exceeding, in the case of the first offence, twenty pounds, and in the case of every subsequent offence, fifty pounds, with a further sum not exceeding five pounds for every day during which any such subsequent offence has continued.

Provisional Order to prevent discharge of certain gases in salt works.

10. An inspector may from time to time inquire whether, in any works in which the extraction of salt from brine is carried on, herein-after called salt works, means can be adopted at a reasonable expense for preventing the discharge from the furnaces or chimneys of such works into the atmosphere of sulphurous and muriatic acid gases evolved in such works, or either of such gases, or for rendering such gases, or either of them, harmless or inoffensive when discharged; also whether in any works in which aluminous deposits are treated for the purpose of making cement, herein-after called cement works, such means as aforesaid can be adopted with respect to the noxious or offensive gases evolved from such works.

Where it appears to the Local Government Board that such means can be adopted at a reasonable expense the Board may from time to time by order require the owners of such works to adopt the best practicable means for the purpose, and may by the order limit the amount or proportion, in the case of salt works, of sulphurous or muriatic acid gas, and in the case of cement works of any noxious or offensive gas, which is to be permitted to escape from such works into the chimney or into the atmosphere, and may also by the order extend to such works such provisions of this Act relating to scheduled works as they see fit.

An order made under this section shall be provisional only and shall not be of any validity until confirmed by Parliament, but when so confirmed shall have full effect, with such modifications as may be made therein by Parliament; and the expression "this Act" when used in this Act shall be deemed to include an order so confirmed, so far as is consistent with the tenor of that order.

The Board shall take such steps as they may think fit for giving notice to persons interested of the provisions of any order made by them under this section before any Bill for confirming the same is introduced into Parliament.

An order made under this section may impose fines for a breach of its provisions of like amount as any fines imposed by this Act for offences against this Act.

### PART III.

#### (i.) *Registration of Works.*

11.—(1.) An alkali work or a work to which Part II. of this Act applies shall not, after the first day of April 1882, be carried on unless it is certified to be registered. Registration of works, and stamp duty.

(2.) The work shall be registered in a register containing the prescribed particulars, and the register shall be conducted and the certificates issued in the prescribed manner.

(3.) The owner of an alkali work or of a work required to be registered shall in the month of January or February in every year apply for a certificate of registration in the prescribed manner, and on such application and compliance with the conditions as to registration the certificate shall be issued, and shall be in force for one year from the first day of April following the said application.

(4.) The owner of an alkali work or of a work required to be registered erected after the commencement of this Act shall before commencing any manufacture or process in such work apply for such certificate in the prescribed manner, and on such application and compliance with the conditions as to registration the certificate shall be issued as soon as may be, and shall be in force until the next first day of April.

There shall be charged in respect of every such certificate, in the case of an alkali work, the duty of five pounds; and in the case of a work required to be registered, not being an alkali work, the duty of three pounds.

(5.) Written notice of any change which occurs in the ownership of a work or in the other particulars stated in the register shall

A.D. 1881.

within one month after such change be sent by the owner to an inspector, and the register and the certificate shall be altered accordingly in the prescribed manner without charge and without the issue of a new certificate. If such notice is not sent as so required the work shall not be deemed to be certified to be registered.

(6.) The owner of a work which is carried on in contravention of this section shall be deemed guilty of an offence against this Act, and shall be liable to a fine not exceeding five pounds for every day during which it is so carried on.

Certificate of inspector prior to registration of new works.

12. An alkali work or a scheduled work, erected after the commencement of this Act, or which has been closed for a period of twelve months, shall not be registered under this Act unless the work is furnished with such appliances as at the time of registration appear to the chief inspector after his own examination, or that of an inspector, or in case of difference to the central authority, to be necessary in order to enable the work to be carried on in accordance with such requirements of this Act as for the time being apply to such work.

Supplemental provisions as to duties.

13. The duties charged in respect of a certificate of registration under this Act shall be stamp duties under the management of the Commissioners of Inland Revenue, and all the Acts relating to stamp duties, particularly those relating to forgery fraudulent dies and other offences in connexion with stamp duties, shall apply accordingly; and for the purpose of the said duties the Commissioners of Inland Revenue shall issue stamped forms of certificate, and the Commissioners may issue the same at any time after the passing of this Act.

#### (ii.) *Inspection.*

Appointment of inspectors.

14. The Local Government Board shall at any time after the passing of this Act, and from time to time, with the approval of the Commissioners of Her Majesty's Treasury as to numbers and salaries or remuneration, appoint such inspectors (under whatever title they from time to time fix) as the Board think necessary for the execution of this Act, and may assign them their duties and award them their salaries or remuneration, and shall constitute a chief inspector, and may regulate the cases and manner in which the inspectors, or any of them, are to execute and perform the powers and duties of inspectors under this Act, and may remove such inspectors.

Notice of the appointment of every such inspector shall be published in the London Gazette, and a copy of the Gazette shall be evidence of the appointment.

The salaries or remuneration of the inspectors, and such expenses of the execution of this Act as the Commissioners of Her Majesty's Treasury may sanction, shall be paid out of moneys provided by Parliament. A.D. 1881.

The inspector appointed before the commencement of this Act under the Alkali Acts 1863 and 1874, shall be deemed to be the first chief inspector under this Act, and the sub-inspectors appointed under those Acts before the commencement of this Act shall be deemed to be inspectors appointed under this Act. A person holding the office of chief inspector (other than the person at the commencement of this Act discharging the duties thereof) or inspector shall not be employed in any other work except by or with the sanction of the authority appointing him to such office. 26 & 27 Vict.  
c. 124.  
37 & 38 Vict.  
c. 43.

15. A person who acts or practices as a land agent, or who is engaged or interested directly or indirectly in any work to which this Act applies, or in any patent for any process or apparatus carried on or used in any such work, or in any process or apparatus connected with the condensation of acid gases, or with the treatment of alkali waste, or with preventing the discharge into the atmosphere or rendering harmless or inoffensive any noxious or offensive gas, or otherwise with any of the matters dealt with by this Act, or who is employed in or about or in connexion with any work to which this Act applies, or in any other chemical work for gain, shall be disqualified to act as an inspector under this Act. Disqualification of certain persons for inspectors.

16. For the purpose of the execution of this Act, an inspector may at all reasonable times by day and night, without giving previous notice, but so as not to interrupt the process of the manufacture, enter and inspect any work to which this Act applies, and examine any process causing the evolution of any noxious or offensive gas, and any apparatus for condensing any such gas, or otherwise preventing the discharge thereof into the atmosphere, or for rendering any such gas harmless or inoffensive when discharged, and may ascertain the quantity of gas discharged into the atmosphere, condensed, or otherwise dealt with; and may enter and inspect any place where alkali waste is treated or deposited, or where any liquid containing acid is likely to come into contact with alkali waste; and generally may inquire into all matters and processes which tend to show compliance or non-compliance with such of the provisions of this Act as are for the time being applicable to the work or place entered, or which seem necessary or proper for the execution of his duties under this Act. Powers of inspectors.



A.D. 1881.

An inspector may, but so as not to interrupt the process of the manufacture, apply any tests and make any experiments he may think proper for the purpose of the execution of his duties under this Act.

Facilities for inspection.

17. The owner of any work to which this Act applies shall, on the demand of the chief inspector, furnish him within a reasonable time with a plan, to be kept secret, of those parts of such work in which any process causing the evolution of any noxious or offensive gas, or any process for the condensation of such gas or preventing the discharge thereof into the atmosphere, or for rendering any such gas harmless or inoffensive when discharged, is carried on.

The owner of every such work and his agents shall render to every inspector all necessary facilities for an entry inspection examination and testing in pursuance of this Act.

Every owner of a work in which such facilities are not afforded to an inspector as are required by this Act, or in which an inspector is obstructed in the execution of his duty under this Act, and every person wilfully obstructing an inspector in the execution of his duty under this Act, shall be deemed guilty of an offence against this Act, and shall be liable to a fine not exceeding ten pounds.

Annual report to Local Government Board.

18. The chief inspector shall on or before the first day of March in every year make a report in writing to the Local Government Board of the proceedings of himself and of the other inspectors under this Act, who shall furnish him with a detailed account of the number of inspections of works in their districts, and the recorded escapes of acid gases from such works during the preceding year, and a copy of such report shall be laid before both Houses of Parliament.

Additional inspector on application of sanitary authorities.

19. If any sanitary authority or authorities apply to the central authority for an additional inspector under this Act, and undertake to pay a proportion of his salary or remuneration, not being less than one half, out of any rate or rates leviable by such authority or authorities (which undertaking such authority or authorities are hereby authorised to give and to carry into effect), the Local Government Board may (if they see fit) from time to time, with the sanction of the Commissioners of Her Majesty's Treasury, appoint an additional inspector under this Act, to reside within a convenient distance of the works he is required to inspect; and such inspector shall have the same powers and be subject to the same power of removal and the same regulations and liabilities as other inspectors under this Act.



The proportion of salary or remuneration aforesaid shall be paid at the prescribed time or times into Her Majesty's Exchequer, and in the case of failure on the part of any sanitary authority to pay any sum payable by them in pursuance of this section, the same may be recovered by action in any court of competent jurisdiction.

A.D. 1881.

(iii.) *Special Rules.*

20. The owner of an alkali work or of a scheduled work may, with the sanction of the central authority, make, and when made, alter add to and repeal special rules for the guidance of his workmen who are employed in any process causing the evolution of any noxious or offensive gas, or whose duty it is to attend to the apparatus used in the condensation of that gas, or for preventing the discharge thereof into the atmosphere, or for rendering any such gas harmless and inoffensive when discharged, and may annex fines to any violation of such rules, so that the fine for any offence do not exceed two pounds.

Power of owners of works to make special rules.

A printed copy of the special rules in force under this section in any work shall be given by the owner of that work to every person working or employed in or about that work who is affected thereby.

Any fine incurred under this Act in respect of an offence against a special rule may be recovered summarily.

(iv.) *Procedure.*

21. In calculating the proportion of acid to a cubic foot of air, smoke, or gases, for the purposes of this Act, such air, smoke, or gases, shall be calculated at the temperature of sixty degrees of Fahrenheit's thermometer, and at a barometric pressure of thirty inches.

Provision as to calculation of acid.

22. The following regulations are hereby enacted with respect to the recovery of fines for offences other than offences against a special rule :

Recovery of fines for offences against Act in county court.

Every such fine shall be recovered by action in the county court having jurisdiction in the district in which the offence is alleged to have been committed :

The action shall be brought, with the sanction of the central authority, by the chief inspector, or by such other inspector as the Local Government Board may in any particular case direct, within three months after the commission of the offence, and for the purposes of such action the fine shall be deemed to be a debt due to such inspector :

A.D. 1881.

The plaintiff in any action for a fine under this Act shall be presumed to be an inspector authorised under this Act to bring the action, until the contrary is proved by the defendant :

The court may, on the application of either party, appoint a person to take down in writing the evidence of the witnesses, and may award to that person such remuneration as the court thinks just ; and the amount so awarded shall be deemed to be costs in the action :

If either party in any action under this Act feels aggrieved by the decision of the court in point of law, or on the merits or in respect of the admission or rejection of any evidence, he may appeal from that decision to the High Court of Justice :

The appeal shall be in the form of a special case to be agreed on by both parties or their solicitors, and if they cannot agree, to be settled by the judge of the county court on the application of the parties or their solicitors :

The court of appeal may draw any inference from the facts stated in the case that a jury might draw from facts stated by witnesses :

Subject to the provisions of this section, all the enactments, rules, and orders relating to proceedings in actions in county courts, and to enforcing judgments in county courts, and appeals from decisions of the county court judges, and to the conditions of such appeals, and to the power of the High Court of Justice, or any division or judge thereof, on such appeals, shall apply to an action for a fine under this Act, and to an appeal from such action, in the same manner as if such action and appeal related to a matter within the ordinary jurisdiction of the court :

Within the city of London and the liberties thereof the sheriffs' court, established by a Local Act passed in the eleventh year of the reign of Her present Majesty, chapter seventy-one, intituled An Act for the more easy recovery of small debts and demands within the City of London and the liberties thereof, shall be deemed to be the county court for the purposes of this Act :

In Scotland the court of the sheriff or sheriff substitute of the county in which the offence is committed shall be the county court for the purposes of this Act, and may award costs to either party, and may sentence the offender to imprisonment for any period not exceeding six months, unless the fine and

costs be previously paid; and any decision or sentence of such sheriff or sheriff substitute shall be subject to review and appeal according to law : A.D. 1881.

In Ireland such fines as are in this section mentioned may be recovered by civil bill, in the manner and with the appeal directed by an Act passed in the fourteenth and fifteenth years of Her present Majesty, chapter fifty-seven, or any Act or Acts amending the law relating to civil bills.

**23.** In any proceeding under this Act in relation to a fine for an offence other than an offence against a special rule—

(a.) It shall be sufficient to allege that any work is a work to which this Act applies, without more; and Further provisions as to recovery of fines in county court.

(b.) It shall be sufficient to state the name of the registered or ostensible owner of the work, or the title of the firm by which the employer of persons in such work is usually known.

A person shall not be subject to a fine under this Act for more than one offence in respect of the same work or place in respect of any one day.

Not less than twenty-one days before the hearing of any proceeding against an owner to recover a fine under this Act for failing to secure the condensation of any gas to the satisfaction of the chief inspector, or for failing to use the best practicable means as required by this Act, an inspector shall serve on the owner proceeded against a notice in writing stating, as the case requires, either the facts on which such chief inspector founds his opinion, or the means which such owner has failed to use, and the means which, in the chief inspector's opinion, would suffice, and shall produce a copy of such notice before the court having cognisance of the matter.

A person shall not be liable under this Act to an increased fine in respect of a second offence, or in respect of a third or any subsequent offence, unless a fine has been recovered within the preceding twelve months against such person for the first offence, or for the second or other offence, as the case may be.

**24.** All fines recovered under this Act, except in respect of offences against a special rule, shall be paid into the receipt of Her Majesty's Exchequer. Application of fines.

**25.** The owner of a work in which an offence under this Act other than an offence against a special rule has been proved to have been committed shall in every case be deemed to have committed the offence, and shall be liable to pay the fine, unless he proves to the satisfaction of the court before which any proceeding is instituted to recover such fine, that he has used due diligence to Discharge of owner on conviction of actual offender.

A.D. 1881. — comply with and to enforce the execution of this Act, and that the offence in question was committed by some agent servant or workman, whom he shall charge by name as the actual offender, without his knowledge consent or connivance; in which case such agent servant or workman shall be liable to pay the fine, and proceedings may be taken against him for the recovery thereof and of the costs of all proceedings which may be taken either against himself or against the owner under this Act :

Provided that it shall be lawful for the inspector to proceed in the first instance against the person whom he believes to be the actual offender, without first proceeding against the owner, in any case in which it is made to appear to the satisfaction of such inspector that the owner has used all due diligence to comply with and to enforce the execution of this Act, and that the offence has been committed by the person whom he may charge therewith without the knowledge consent or connivance of the owner, and in contravention of his orders.

Service of notices.

**26.** Any notice summons or other document under this Act, may be in writing or print, or partly in writing and partly in print.

Any notice summons or document required or authorised for the purposes of this Act to be delivered to or served on or sent to the owner of any work, may be served by delivering the same to the owner, or at his residence or works; it may also be served by post by a prepaid letter, and if served or sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient to prove that it was properly addressed and put into the post; and the same shall be deemed to be properly addressed if addressed to the registered address of an owner, or, when required to be served on or sent to the owner of any works, if addressed to the owner of the works at the works, with the addition of the proper postal address, but without naming the person who is the owner.

Complaint by sanitary authority in cases of nuisance.

**27.** Where it appears to any sanitary authority, on the written representation of any of their officers, or of any ten inhabitants of their district, that any work (either within or without the district) to which this Act applies is carried on in contravention of this Act, or that any alkali waste is deposited (either within or without the district) in contravention of this Act, and that a nuisance is occasioned by such contravention to any of the inhabitants of their district, such authority may complain to the central authority, who shall make such inquiry into the matters



complained of, and after the inquiry may direct such proceedings to be taken by an inspector as they think just. A.D. 1881.

The sanitary authority complaining shall, if so required by the central authority, pay the expense of any such inquiry, and may pay the same out of the fund or rate applicable to the general expenses of such authority.

The expression "sanitary authority" in this section includes as regards the Metropolis, except the City of London, any vestry or district board elected under the Metropolis Management Act, 1855, also any local board of health, not being an urban sanitary authority within the meaning of the Public Health Act, 1875, and as regards the City of London shall mean the Commissioners of Sewers of the said city. 18 & 19 Vict. c. 120. 38 & 39 Vict. c. 55.

**28.** Where a nuisance arising from any noxious or offensive gas or gases is wholly or partially caused by the acts or defaults of several persons, any person injured by such nuisance may proceed against any one or more of such persons, and may recover damages from each person made a defendant in proportion to the extent of the contribution of such defendant to the nuisance, notwithstanding that the act or default of such defendant would not separately have caused a nuisance. This section shall not apply to any defendant who can produce a certificate from the chief inspector that in the works of such defendant the requirements of this Act have been complied with and were complied with when the nuisance arose. Actions in case of contributory nuisance.

(v.) *Definitions; Repeal; Saving.*

**29.** In this Act, unless the context otherwise requires—

"Alkali work" means every work for the manufacture of alkali, sulphate of soda, or sulphate of potash, in which muriatic acid gas is evolved, and for the purpose of this definition the formation of any sulphate in the treatment of copper ores by common salt or other chlorides shall be deemed to be a manufacture of sulphate of soda.

"Noxious or offensive gas" does not include sulphurous acid arising from the combustion of coal.

"Owner" means the lessee, occupier, or any other person carrying on any work to which this Act applies.

"Prescribed" means prescribed from time to time by the Local Government Board, and "the Local Government Board" means the Local Government Board established by the Local Government Board Act, 1871. 34 & 35 Vict. c. 70.

Interpretation of terms.



A.D. 1881. — “Central authority” means as regards England the said Local Government Board, as regards Ireland the Local Government Board for Ireland, and as regards Scotland one of Her Majesty’s Principal Secretaries of State.

“Sanitary authority” means any local authority entrusted with the execution of the Public Health Act.

38 & 39 Vict. c. 55. “The Public Health Act” means, as regards England, the Public Health Act 1875; and as regards Scotland, the Public Health (Scotland) Act 1867; and as regards Ireland, the Public Health (Ireland) Act 1878.

41 & 42 Vict. c. 52. “Person” includes a corporation.

Repeal of 26 & 27 Vict. c. 124., 31 & 32 Vict. c. 36., and 37 & 38 Vict. c. 43. **30.** The following Acts, that is to say—  
The Alkali Act 1863, (26 & 27 Vict. c. 124),  
The Act to make perpetual the Alkali Act 1863, (31 & 32 Vict. c. 36), and  
The Alkali Act 1874, (37 & 38 Vict. c. 43),

are hereby repealed without prejudice to anything done or suffered before the commencement of this Act, or to the recovery of any penalty incurred before or proceeding pending at the commencement of this Act; and any such penalty or proceeding may be recovered or continued as if this Act had not been passed.

Saving as to general law. **31.** Nothing in this Act shall legalise any act or default that would, but for this Act, be deemed to be a nuisance, or otherwise be contrary to law, or deprive any person of any remedy by action indietment or otherwise, to which he would have been entitled if this Act had not passed.

## SCHEDULE.

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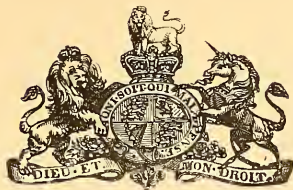
### *List of Works.*

- (1.) Sulphuric acid works, that is to say, any works in which the manufacture of sulphuric acid is carried on (not being alkali works within the meaning of the foregoing Act, and not being works in which the manufacture of sulphuric acid is carried on in conjunction with the extraction of copper or other metals from ore);
- (2.) Chemical manure works, that is to say, any works in which the manufacture of chemical manure is carried on;
- (3.) Gas liquor works, that is to say, any works in which gas liquor is used in any manufacturing process;
- (4.) Nitric acid works, that is to say, any works in which the manufacture of nitric acid is carried on;
- (5.) Sulphate of ammonia works and muriate of ammonia works, that is to say, any works in which the manufacture of sulphate of ammonia or of muriate of ammonia is carried on; and
- (6.) Chlorine works or works in which chlorine, bleaching powder, or bleaching liquor is made.

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LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1881.





## CHAPTER 30.

An Act to amend the Baths and Wash Houses Acts. A.D. 1882.  
[24th July 1882.]

**W**HEREAS it is desirable to give increased facilities to local authorities for providing baths and wash houses within easy and convenient reach :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as the Baths and Wash Houses Act, 1882, and shall be read as one with the Act of the ninth and tenth years of the reign of Her present Majesty, chapter seventy-four, in this Act called "the principal Act."

Short title.

2. Section twenty-seven of the principal Act shall be amended by the addition of the words "or in the immediate neighbourhood of" "such borough or parish" to the words "in any such borough or parish" wherever such last-mentioned words occur in the said section.

Amendment  
of 9 & 10  
Vict. c. 74.  
s. 27.

3. The power conferred by section twenty-four of the principal Act to purchase or rent lands for the purposes of that Act shall extend to lands in the immediate neighbourhood of such borough or parish as is therein referred to.

Amendment  
of 9 & 10  
Vict. c. 74.  
s. 24.

LONDON: Printed by EYRE and SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1892.





# Factory and Workshop Act, 1883.

[46 & 47 VICT. CH. 53.]

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## ARRANGEMENT OF SECTIONS.

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A.D. 1883.

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### Section.

1. Short title.

#### *White Lead Factories.*

2. Certificate of conformity with Act.
3. Conditions of certificate.
4. Grant of certificate on compliance with conditions.
5. Withdrawal of certificate.
6. Penalty on carrying on factory without certificate.
7. Special rules for every white lead factory.
8. Framing and approval of new special rules.
9. Amendment of special rules.
10. False statements and transmission of rules.
11. Publication of special rules.
12. Defacing copies of rules, &c.

#### *Explanation of certain Provisions of Factory, &c. Act, 1878.*

13. Explanation of s. 53 of 41 & 42 Vict. c. 16.
14. Amendment as to period of employment of children in certain cases.

#### *Bakehouses.*

15. Regulations for new bakehouses.
16. Penalty for bakehouse being unfit on sanitary grounds for use as a bakehouse.
17. Enforcement of law as to retail bakehouses by local authorities.
18. Construction of Act and definitions.

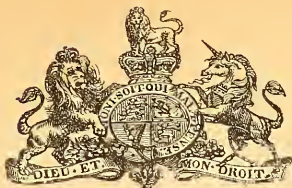
#### *Application of Act to Scotland and Ireland.*

19. Application of Act to Scotland.
20. Application of Act to Ireland.

#### SCHEDULE.

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## CHAPTER 53.

An Act to amend the Law relating to certain Factories and Workshops. A.D. 1883.  
[25th August 1883.]

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the *Factory and Workshop Act, 1883.* Short title.

*White Lead Factories.*

2. After the thirty-first day of December one thousand eight hundred and eighty-three it shall not be lawful to carry on a white lead factory unless such factory is certified by an inspector to be in conformity with this Act. Certificate of conformity with Act.

3. (1.) A white lead factory shall not be certified to be in conformity with this Act unless the scheduled conditions, that is to say, the conditions specified in the schedule to this Act, as amended by any order of a Secretary of State under this section, and including any conditions added by any such order, have been complied with. Conditions of certificate.

(2.) A Secretary of State may at any time, by writing under his hand, revoke, alter, add to, or modify all or any of the conditions specified in the schedule to this Act.

4. Within a reasonable time after written application in that behalf, addressed to the chief inspector of factories by the occupier of any white lead factory, such factory shall be inspected by an inspector, and if he finds that the scheduled conditions have been complied with he shall certify to a Secretary of State that the factory is in conformity with this Act; and a copy of the certificate, signed by the inspector, shall be forthwith given to the occupier. Grant of certificate on compliance with conditions.

5. If at any time after a white lead factory has been certified to be in conformity with this Act it appears to an inspector that the factory is not kept in conformity with this Act, he shall forth- Withdrawal of certificate.

A.D. 1883. — with give notice to the occupier specifying in what respects default is made; and unless the default is within a reasonable time after the notice remedied to the satisfaction of an inspector, a Secretary of State may, if he sees fit, withdraw the certificate until the default is remedied.

Penalty on carrying on factory without certificate.

6. The occupier of a white lead factory which after the thirty-first day of December one thousand eight hundred and eighty-three is carried on without a certificate under this Act shall, for every day during which it is so carried on, be liable on summary conviction to a fine not exceeding two pounds.

Special rules for every white lead factory.

7. (1.) There shall be established not later than the first day of January one thousand eight hundred and eighty-four, in every white lead factory, such special rules for the guidance of the persons employed therein as may appear best calculated to enforce the use by them of the requirements provided under this Act, and generally to prevent injury to health in the course of their employment.

(2.) Such special rules when established shall be observed in and about the factory as if they were enacted in this Act.

(3.) If any person who is bound to observe the special rules established for any white lead factory acts in contravention of or fails to comply with any of such special rules he shall be liable on summary conviction to a fine not exceeding two pounds; and the occupier of such factory shall also be liable on summary conviction to a fine not exceeding five pounds, unless he proves that he had taken all reasonable means, by publishing and to the best of his power enforcing the said rules, to prevent such contravention or non-compliance.

Framing and approval of new special rules.

8. (1.) The occupier of every white lead factory shall frame and transmit to the chief inspector, for approval by a Secretary of State, special rules for such factory within three months after the passing of this Act, or within three months after the opening for work of any white lead factory not opened for work before the passing of this Act.

(2.) The proposed special rules, together with a printed notice specifying that any objection to such rules on the ground of anything contained therein or omitted therefrom may be sent by any of the persons employed in the factory to the chief inspector, shall, during not less than two weeks before such rules are transmitted to the chief inspector, be posted up in like manner as is provided in this Act respecting the publication of special rules for the information of persons employed in the factory; and a certificate that such rules and notice have been so posted up shall be

sent to the chief inspector, with the rules signed by the person sending the same. A.D. 1883.

(3.) The Secretary of State may approve such rules either with or without any omission alteration or addition, and on his approval being signified in such manner as he may think fit the special rules as approved shall be established. But no such omission alteration or addition shall be made without sufficient notice to the occupier to enable him to state his objections, if any, thereto.

9. (1.) After special rules are established under this Act in any white lead factory the occupier of such factory may from time to time propose in writing to the chief inspector, for the approval of a Secretary of State, any amendment of such rules or any new special rules, and the provisions of this Act with respect to the original special rules shall apply to all such amendments and new rules in like manner, as near as may be, as they apply to the original rules. Amendment of special rules.

(2.) A Secretary of State may at any time propose to the occupier of any white lead factory any new special rules or any amendments to the special rules; and such new rules or amendments shall, as settled after time given for consideration of the objections, if any, of the occupier, be established as from a date to be fixed by a Secretary of State and specified therein.

10. If the occupier of any white lead factory to which this Act applies makes any false statement with respect to the posting up of the special rules and notices, he shall be liable on summary conviction to a fine not exceeding twenty pounds; and if special rules for any white lead factory are not transmitted within the time limited by this Act to the chief inspector, for the approval of a Secretary of State, such Secretary may by writing under his hand establish for that factory such special rules as he may see fit, to come into operation as from a date to be fixed by him and specified therein. False statements and transmission of rules.

11. (1.) Printed copies of all special rules for the time being in force in any white lead factory under this Act shall be kept posted up in legible characters in conspicuous places in the factory where they may be conveniently read by the persons employed. Publication of special rules.

(2.) A printed copy of such rules shall be given by the occupier to any person affected thereby on his or her application.

(3.) If the occupier of any white lead factory fails to comply with any provision of this section, he shall be liable on summary conviction to a fine not exceeding ten pounds.



A.D. 1883.

Defacing  
copies of  
rules, &c.

12. Every person who pulls down, injures, or defaces any proposed special rules, notice, or special rules when posted up in pursuance of the provisions of this Act with respect to special rules, or any notice posted up in pursuance of the special rules, shall be liable on summary conviction to a fine not exceeding five pounds.

*Explanation of certain Provisions of Factory, &c. Act, 1878.*

Explanation  
of s. 53 of  
41 & 42 Vict.  
c. 16.

13. It is hereby declared that—

(a.) Section fifty-three of the Factory and Workshop Act, 1878, only authorises overtime employment of young persons or women to take place in any factory or workshop on forty-eight days in the whole, in any twelve months; and that in reckoning such period of forty-eight days, every day on which any young person or woman has been employed overtime is to be taken into account; and that

(b.) Section fifty-six of the said Act only authorises overtime employment of women to take place in any factory or workshop on ninety-six days in the whole in any twelve months, and that in reckoning such period of ninety-six days, every day on which any woman has been employed overtime is to be taken into account.

Amendment  
as to period  
of employ-  
ment of  
children in  
certain cases.

14. Notwithstanding anything in section twelve or section fourteen of the Factory and Workshop Act, 1878, the period of employment for a child in an afternoon set in a factory or workshop, where the dinner-time does not begin before two o'clock in the afternoon, may begin at noon; provided that in such case the period of employment in the morning set shall end at noon.

*Bakehouses.*

Regulations  
for new  
bakehouses.

15. It shall not be lawful to let or suffer to be occupied as a bakehouse, or to occupy as a bakehouse, any room or place which was not so let or occupied before the first day of June one thousand eight hundred and eighty-three, unless the following regulations are complied with :

- (i.) No watercloset, earthcloset, privy, or ashpit shall be within or communicate directly with the bakehouse;
- (ii.) Any cistern for supplying water to the bakehouse shall be separate and distinct from any cistern for supplying water to a watercloset;
- (iii.) No drain or pipe for carrying off fecal or sewage matter shall have an opening within the bakehouse.

Any person who lets or suffers to be occupied or who occupies any room or place as a bakehouse in contravention of this section shall be liable, on summary conviction, to a fine not exceeding forty shillings, and to a further fine not exceeding five shillings for every day during which any room or place is so occupied after a conviction under this section.

A.D. 1883.

16. Where a court of summary jurisdiction is satisfied on the prosecution of an inspector or a local authority that any room or place used as a bakehouse (whether the same was or was not so used before the passing of this Act) is in such a state as to be on sanitary grounds unfit for use or occupation as a bakehouse, the occupier of the bakehouse shall be liable, on summary conviction, to a fine not exceeding forty shillings, and on a second or any subsequent conviction, not exceeding five pounds.

Penalty for  
bakehouse  
being unfit  
on sanitary  
grounds for  
use as a  
bakehouse.

The court of summary jurisdiction, in addition to or instead of inflicting such fine, may order means to be adopted by the occupier, within the time named in the order, for the purpose of removing the ground of complaint. The court, may, upon application, enlarge the time so named, but if, after the expiration of the time as originally named or enlarged by subsequent order, the order is not complied with, the occupier shall be liable to a fine not exceeding one pound for every day that such non-compliance continues.

17. (1.) As respects every retail bakehouse, the provisions of this part of this Act and of sections three, thirty-three, thirty-four, and thirty-five of the Factory and Workshop Act, 1878 (which relate to cleanliness, ventilation, overcrowding, and other sanitary conditions), shall be enforced by the local authority of the district in which the retail bakehouse is situate, and not by an inspector under the Factory and Workshop Act, 1878; and for the purposes of this section the medical officer of health of the local authority shall have and exercise all such powers of entry, inspection, taking legal proceedings and otherwise, as an inspector under the Factory and Workshop Act, 1878.

Enforcement  
of law as  
to retail  
bakehouses  
by local  
authorities.

(2.) If any child, young person, or woman is employed in any retail bakehouse, and the medical officer of the local authority becomes aware thereof, he shall forthwith give written notice thereof to the factory inspector for the district.

(3.) An inspector under the Factory and Workshop Act, 1878, shall not, as respects any retail bakehouse, exercise the powers of entry and inspection conferred by that Act, unless he has notice or reasonable cause to believe that a child, young person, or woman is employed therein.

A.D. 1883.

Construction  
of Act and  
definitions.  
41 & 42 Vict.  
c. 16.

**18.** This Act shall be construed as one with the Factory and Workshop Act, 1878; and in this Act, unless the context otherwise requires,—

The expression “white lead factory” includes every factory and workshop in which the manufacture of white lead is carried on :

The expression “retail bakehouse” means any bakehouse or place, the bread, biscuits, or confectionery baked in which are not sold wholesale but by retail in some shop or place occupied together with such bakehouse :

The expression “local authority” means, as respects the City of London and the liberties thereof, the Commissioners of Sewers ; as respects the parishes and districts mentioned in the Schedules A. and B. annexed to the Metropolis Management Act, 1855, and any parish to which the said Act may be extended by Order in Council in manner in the said Act provided, the vestries and district Boards elected under the said Act ; and as respects any urban sanitary district, the urban sanitary authority, and as respects any rural sanitary district, the rural sanitary authority, within the meaning of the Public Health Act, 1875.

18 & 19 Vict.  
c. 120.

*Application of Act to Scotland and Ireland.*

Application  
of Act to  
Scotland.  
30 & 31 Vict.  
c. 101.

Application  
of Act to  
Ireland.

**19.** In the application of this Act to Scotland the expression “local authority” means the local authority within the meaning of the Public Health (Scotland) Act, 1867.

41 & 42 Vict.  
c. 52.

**20.** In the application of this Act to Ireland the expression “local authority” means, as regards any urban sanitary district, the urban sanitary authority, and as regards any rural sanitary district the rural sanitary authority, within the meaning of the Public Health (Ireland) Act, 1878.

## THE SCHEDULE.

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A.D. 1883.  
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### CONDITIONS OF OBTAINING CERTIFICATE.

(1.) The stacks and stoves in the factory must be efficiently s. 3.  
ventilated.

(2.) There must be provided for the use of the persons employed in the factory sufficient means of frequently washing hands and feet, with a sufficient supply of hot and cold water, soap, towels, and brushes.

(3.) There must be provided in addition, for the use of women employed in the factory, sufficient baths, with a sufficient supply of hot and cold water, soap, towels, and brushes.

(4.) There must be provided for the use of the persons employed in the factory (but not in any part of the factory where any work is carried on) a proper room for meals.

(5.) There must be provided for every person working at any tank an overall suit with head covering, and for every person working at any white-bed a respirator or covering for the mouth and nostrils and head covering, and for every person working at any dry stove or rollers an overall suit with head covering, and a respirator or covering for the mouth and nostrils.

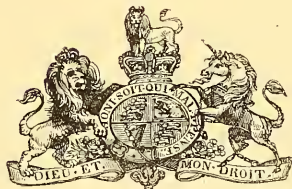
(6.) There must be accessible to all persons employed in the factory a sufficient supply of acidulated drink.

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LONDON: Printed by EYRE and SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1883.







## CHAPTER 22.

An Act to provide for Expenses incurred in relation to Con- A.D. 1885.  
ferences of Local Authorities. [25th June 1885.]

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Public Health and Local Short title,  
Government Conferences Act, 1885.

2. Any local authority may, when empowered by and subject to any regulations made by the Local Government Board in that behalf (which regulations the said Board is hereby authorised from time to time to make, vary, or rescind), pay the reasonable expenses of any member or members or clerk to the local authority attending any conference or meeting of members of local authorities held for the purpose of discussing any matter which is connected with the duties which devolve on them, and any reasonable expenses incurred in purchasing reports of the proceedings of any such meeting or conference, and may charge the amount to any rates applicable to the general purposes of the Public Health Act, 1875, within their district.

Expenses of local authorities may be allowed.

38 & 39 Vict.  
c. 55.

3. Expressions used in this Act have the same respective meanings as they have in the Public Health Act, 1875, save and except that in England the term "local authority" shall not mean or include the urban authority of any borough.

Interpreta-  
tion.

A.D. 1885.

Act to apply  
to Ireland.

41 & 42 Vict.  
c. 52.

4. In the application of this Act to Ireland—

(a.) The term “Local Government Board” shall mean the Local Government Board for Ireland :

(b.) The Public Health (Ireland) Act, 1878, shall be substituted for the Public Health Act, 1875 :

(c.) The expression “local authority” shall mean rural sanitary authority and urban sanitary authority.

# Housing of the Working Classes Act, 1885.

[48 & 49 VICT. CH. 72.]

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## ARRANGEMENT OF SECTIONS.

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A.D. 1885.

### *Labouring Classes Lodging Houses.*

Section.

1. Adoption of Labouring Classes Lodging Houses Acts.
2. Definition of purposes of Labouring Classes Lodging Houses Acts.
3. Provision respecting sites of certain metropolitan prisons.

### *Amendment of Artizans Dwellings Acts.*

4. Amendment of 31 & 32 Vict. c. 130.

### *Amendment of Artizans and Labourers Dwellings Improvement Acts.*

5. Amendment of 38 & 39 Vict. c. 36. s. 8 and schedule; 42 & 43 Vict. c. 63; 45 & 46 Vict. c. 54, schedule.

### *Amendment as to Interest on Public Works Loans.*

6. Rates of loan by Public Works Loan Commissioners.

### *Amendment of General Sanitary Law, &c.*

7. General duty of local authority to enforce the law.
8. Amendment of 38 & 39 Vict. c. 55. s. 90.
9. Tents and vans used for human habitation.
10. Application of certain provisions as to byelaws and local inquiries.
11. Amendment of 45 & 46 Vict. c. 38. as regards erection of buildings for working classes.
12. Condition to be implied on letting houses for the working classes.

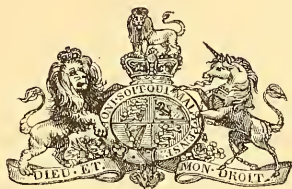
A.D. 1885.

*Supplemental.*

Section.

13. Definitions.
14. Construction of Act.
15. Application of Act to Ireland.
16. Application of Act to Scotland.
17. Short title.
18. Repeal.

SCHEDULE.



## CHAPTER 72.

An Act to amend the Law relating to Dwellings of the Working Classes. A.D. 1885.  
[14th August 1885.]

**W**HEREAS it is expedient to amend the law with reference to the provision of suitable dwellings for the working classes :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

### *Labouring Classes Lodging Houses.*

1. (1.) The Labouring Classes Lodging Houses Acts, 1851 to 1867, may be adopted—

(a) for the city of London by the Commissioners of Sewers of the city of London ;

(b) for the metropolis, exclusive of the city of London, by the Metropolitan Board of Works if one of Her Majesty's Principal Secretaries of State approves of such adoption ;

(c) for any urban sanitary district by the urban sanitary authority of such district in accordance with section ten of the Public Health Act, 1875 ; and

(d) for any rural sanitary district, by the sanitary authority of the district upon such certificate published by the Local Government Board, and after such delay as herein-after mentioned.

(2.) A rural sanitary authority in any district desiring to adopt the said Acts may apply to the Local Government Board for the certificate required for such adoption, and shall specify in such application the area in which they consider that accommodation is necessary for the housing of the labouring classes, and thereupon the Local Government Board shall direct a local inquiry to be held by one of their inspectors, and if after such local inquiry the

[*Public.*—72.]

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Adoption of  
Labouring  
Classes  
Lodging  
Houses  
Acts.

38 & 39 Vict.  
c. 55.



A.D. 1885. — inspector shall certify that accommodation is necessary in such area for the housing of the labouring classes, and that there is no probability that such accommodation will be provided without the execution of the said Acts, and that having regard to the liability which will be incurred by the rates, it is under all the circumstances prudent for the said authority to undertake the provision of the said accommodation under the powers of the said Acts, the Local Government Board may if they think fit publish that certificate in the "London Gazette," and thereupon the sanitary authority may adopt the said Acts: Provided that—

(a) unless the Local Government Board state in publishing such certificate that, by reason of the date of the next ordinary election of members of such authority or otherwise, an emergency renders it necessary to adopt the Acts immediately, such adoption in pursuance of the certificate shall not take place before the ordinary election of members of such authority which is held next after the date of the local inquiry; and

(b) after the end of twelve months from the date of the certificate the Acts shall not be adopted without a fresh certificate; and

(c) no land shall be acquired, nor buildings erected under the said Acts outside of the area mentioned in the certificate, except after a fresh application, inquiry, and certificate.

(3.) Where the rural sanitary authority think it just that the burden of the expenses of the execution of the said Acts should be borne by some contributory place or places only in their district, instead of by the whole of their district, the authority may in their application to the Local Government Board request permission to limit the burden of such expenses to such contributory place or places, and thereupon the justice of such limitation shall be inquired into at the local inquiry, and the Local Government Board, if satisfied after the local inquiry that the circumstances of the contributory place or places and of the rest of the district render such limitation just, may make an order to that effect, and thereupon the expenses of the execution of the said Acts in the area mentioned in the order shall be borne by the contributory place or places named in the order instead of by the whole district. The provisions of this enactment with respect to the burden of the expenses shall apply upon every application for a fresh certificate.

(4.) When the Labouring Classes Lodging Houses Acts, 1851 to 1867, have been adopted by the Metropolitan Board of Works, or by any sanitary authority, or by the Commissioners of Sewers of the City of London, then

- (a) such board or authority or Commissioners shall have power to carry the said Acts into execution within the area for which they are adopted, subject in the case of a rural sanitary authority to the foregoing provisions with respect to rural sanitary authorities, and for that purpose may exercise the same powers whether of contract or otherwise as in the execution of their duties under the Metropolis Management Act, 1855, and the Acts amending the same, or under the Public Health Act, 1875, or under the Acts conferring powers on such Commissioners of Sewers respectively; A.D. 1885.  
18 & 19 Vict.  
c. 120.  
38 & 39 Vict.  
c. 55.
- (b) all expenses incurred by such board or authority in the execution of the said Acts shall be defrayed—
- (i.) in the case of the Metropolitan Board of Works, out of the Dwelling House Improvement Fund under the Artizans and Labourers Dwellings Improvement Act, 1875;
  - (ii.) in the case of an urban sanitary authority, as part of the general expenses of their execution of the Public Health Act, 1875; and
  - (iii.) in the case of a rural sanitary authority, as special expenses incurred in the execution of the Public Health Act, 1875, and, save where the burden of such expenses is by order of the Local Government Board to be borne by one contributory place only, shall be deemed to be incurred for the common benefit of all the contributory places liable to bear such expenses: Provided that if on the application of the rural sanitary authority it is so declared at the time of the publication of the certificate by the Local Government Board, then the said expenses of the rural sanitary authority shall be defrayed as general expenses of the said authority in the execution of the Public Health Act, 1875, and if such expenses are not to be borne by the whole of the district, shall be charged to the contributory places which are to bear the same as an addition to the general expenses otherwise chargeable thereto;
  - (iv.) in the case of the City of London, out of the Dwelling House Improvement Fund under the Artizans and Labourers Dwellings Improvement Act, 1875;
- (c) all receipts under the said Acts shall be paid to the fund out of which such expenses are payable, and the accounts of such receipts and expenses shall be audited in like manner and with the like incidents and consequences respectively as the accounts of the general or special expenses above mentioned;

A.D. 1885.

but separate accounts shall be kept of the receipts and expenditure for the purposes of the said Acts ;

- (d) such Board and Commissioners may borrow for the purpose of the execution of the said Acts, in like manner and subject to the like conditions as they may borrow for the purposes of the Artizans and Labourers Dwellings Improvement Act, 1875, and every such authority may borrow for the purpose of the execution of the said Acts in like manner and subject to the like conditions as for the purpose of defraying the above-mentioned general or special expenses ;
- (e) in the application of the said Acts to the City of London, "district" shall mean the City of London, and "board" the Commissioners of Sewers of that city ; and in the application of the said Acts to the metropolis, "district" shall mean the Metropolis exclusive of the City of London, and "Board" the Metropolitan Board of Works ; and in the application of the said Acts to a rural sanitary district, "district" shall mean the said district, and "board" the rural sanitary authority. In any case where an urban sanitary authority does not levy a borough rate or any general district rate, but is empowered by a Local Act or Acts to borrow money and to levy a rate or rates throughout the whole of their district for purposes similar to those or to some of those for which a general district rate is leviable, it shall be lawful for such sanitary authority to defray the expenses incurred in the execution of the said Acts by means of money to be borrowed, and a rate or rates to be levied, under such Local Act or Acts.

Definition of  
purposes of  
Labouring  
Classes  
Lodging  
Houses  
Acts.

2. (1.) The expression "lodging-houses for the labouring classes" when used in the Labouring Classes Lodging Houses Acts, 1851 to 1867, shall be deemed to include separate houses or cottages for the labouring classes, whether containing one or several tenements, and the purposes of the said Act shall be deemed to include the provision of such houses and cottages.

(2.) Land for the purposes of the said Acts as amended by this Act may be acquired by the Metropolitan Board of Works, by the Commissioners of Sewers of the city of London, and by any sanitary authority in like manner as if those purposes were purposes of the Public Health Act, 1875, and sections one hundred and seventy-five to one hundred and seventy-eight, both inclusive, of that Act (relating to the purchase of land), shall apply accordingly, and shall for the purposes of this Act extend to the metropolis in like manner as if the Commissioners of Sewers and Metropolitan Board of Works respectively were a local authority in the said

sections mentioned, and one of Her Majesty's Principal Secretaries of State were substituted for the Local Government Board. A.D. 1885.

3. In the event of the removal from their present sites of Millbank Penitentiary or Pentonville Penitentiary, it shall be lawful for Her Majesty, on the recommendation of the Commissioners of Her Majesty's Treasury, and subject to such conditions as they may think reasonable, and in the event of the removal from its present site of Coldbath Fields Prison, or House of Detention, Clerkenwell, it shall be lawful for the justices of the peace for the county of Middlesex if the justices think fit so to do, to sell and convey those respective sites or any part or parts thereof to the Metropolitan Board of Works, at a fair market price.

Provision respecting sites of certain metropolitan prisons.

*Amendment of Artizans Dwellings Acts.*

4. The owner of any premises who is required by an order of a local authority made under the Artizans and Labourers Dwellings Act, 1868, to execute any works on or to demolish any premises, shall cease to have the power to require the local authority to purchase such premises.

Amendment of 31 & 32 Vict. c. 130.

*Amendment of Artizans and Labourers Dwellings Improvement Acts.*

5. (1.) The Artizans and Labourers Dwellings Improvement Acts, 1875 to 1882, shall extend to all urban sanitary districts.

Amendment of 38 & 39 Vict. c. 36, s. 8, and schedule; 42 & 43 Vict. c. 63; 45 & 46 Vict. c. 54, schedule.

(2.) In either of the following cases:

- (a.) Where an officer of health has reported to any local authority in the metropolis, exclusive of the City of London, either in pursuance of the Artizans and Labourers Dwellings Act, 1868, that any premises are in a condition or state dangerous to health, so as to be unfit for human habitation, or in pursuance of section eight of the Artizans Dwellings Act, 1882, that the pulling down of any obstructive buildings would be expedient, and such authority resolve that the case of such premises or buildings is of such general importance to the metropolis that it should be dealt with by a scheme under the Artizans and Labourers Dwellings Improvement Acts, 1875 to 1882; or
- (b.) Where any such official representation as mentioned in section three of the Artizans and Labourers Dwellings Improvement Act, 1875, has been made to the Metropolitan Board of Works in relation to any houses, courts, or alleys within a certain area, and the Metropolitan



A.D. 1885.

Board of Works resolve that the case of such houses, courts, or alleys is not of general importance to the metropolis, and should be dealt with under the Artizans Dwellings Acts, 1868 to 1882 :

such local authority or board may submit such resolution to one of Her Majesty's Principal Secretaries of State, and thereupon the Secretary of State may appoint an arbitrator, and direct him to hold a local inquiry, and such arbitrator shall hold such inquiry, and report to the Secretary of State as to whether, having regard to the size of the area, to the number of houses to be dealt with, to the position, structure, and sanitary condition of such houses, and of the neighbourhood thereof, and to the provisions of section three of the Artizans and Labourers Dwellings Improvement Act, 1875, the case is either wholly or partially of any and what importance to the metropolis at large, with power to such arbitrator to report that in the event of the case being dealt with under the Artizans Dwellings Acts, 1868 to 1882, the Metropolitan Board of Works ought to make a contribution in respect of the expense of dealing with the case. The Secretary of State, after considering the report of the arbitrator, may, according as to him seems just, decide that the case shall be dealt with either under the Artizans Dwellings Acts, 1868 to 1882, or under the Artizans and Labourers Dwellings Improvement Acts, 1875 to 1882, and the officer of health or other proper officer shall forthwith make the report or official representation necessary for proceedings in accordance with such decision.

(3.) Where an arbitrator has under the Artizans and Labourers Dwellings Improvement Acts, 1875 to 1882, determined the amount of compensation, an appeal shall not lie to a jury from the decision of such arbitrator without leave of the High Court of Justice, but such court or any judge thereof at chambers may grant such leave upon application in a summary manner, and upon being satisfied that a failure of justice will take place if the leave is not granted.

*Amendment as to Interest on Public Works Loans.*

Rates of  
loan by Pub-  
lic Works  
Loan Com-  
missioners.

6. Any loan advanced by the Public Works Loan Commissioners in pursuance of the Labouring Classes Lodging Houses Acts, 1851 to 1867, or of the Artizans Dwellings Acts, 1868 to 1882, or of the Artizans and Labourers Dwellings Improvement Acts, 1875 to 1882, the Artizans and Labourers Dwellings Improvement (Scotland) Act, 1875, and any Acts amending the same, or of any of such Acts, or for labourers dwellings in pursuance of the Public Works Loans Act, 1875, shall bear such rate of interest, not less



than three pounds two shillings and sixpence per cent., as the Commissioners of Her Majesty's Treasury may from time to time authorize as being in their opinion sufficient to enable such loans to be made without loss to the Exchequer. A.D. 1885.

Provided that this section shall cease to be of effect after the thirty-first day of December one thousand eight hundred and eighty-eight.

*Amendment of General Sanitary Law, &c.*

7. It shall be the duty of every local authority entrusted with the execution of laws relating to public health and local government to put in force from time to time as occasion may arise, the powers with which they are invested, so as to secure the proper sanitary condition of all premises within the area under the control of such authority. General duty of local authority to enforce the law.

8. Whereas under section ninety of the Public Health Act, 1875, the Local Government Board can declare that section to be in force within the district of a sanitary authority, and after the publication of notice of such declaration such authority is empowered to make byelaws with respect to lodging-houses, and it is expedient to authorize every such authority to make such byelaws without any declaration by the Local Government Board: Be it therefore enacted as follows:— Amend- ment of 38 & 39 Vict. c. 55. s. 90.

Every sanitary authority shall have power to make byelaws for the matters specified in section ninety of the Public Health Act, 1875.

9. (1.) A tent, van, shed, or similar structure used for human habitation, which is in such a state as to be a nuisance or injurious to health, or which is so overcrowded as to be injurious to the health of the inmates whether or not members of the same family, shall be deemed to be a nuisance within the meaning of section ninety-one of the Public Health Act, 1875; and the provisions of that Act shall apply accordingly. Tents and vans used for human habitation.

(2.) A sanitary authority may make byelaws for promoting cleanliness in, and the habitable condition of tents, vans, sheds, and similar structures used for human habitation, and for preventing the spread of infectious disease by the persons inhabiting the same, and generally for the prevention of nuisances in connexion with the same.

(3.) Where any person duly authorized by a sanitary authority or by a justice of the peace has reasonable cause to suppose either that there is any contravention of the provisions of this Act or any

A.D. 1885. byelaw made under this Act in any tent, van, shed, or similar structure used for human habitation, or that there is in any such tent, van, shed, or structure any person suffering from a dangerous infectious disorder, he may, on producing (if demanded) either a copy of his authorisation purporting to be certified by the clerk or a member of the sanitary authority or some other sufficient evidence of his being authorized as aforesaid, enter by day such tent, van, shed, or structure, and examine the same and every part thereof in order to ascertain whether in such tent, van, shed, or structure there is any contravention of any such byelaw or a person suffering from a dangerous infectious disorder.

(4.) For the purposes of this section "day" means the period between six o'clock in the morning and the succeeding nine o'clock in the evening.

(5.) If such person is obstructed in the performance of his duty under this section, the person so obstructing shall be liable, on summary conviction, to a fine not exceeding forty shillings.

(6.) This section shall apply to the metropolis, with the substitution of section nineteen of the Sanitary Act, 1866, for section ninety-one of the Public Health Act, 1875, and of nuisance authority, under the Nuisance Removal Acts, for sanitary authority.

29 & 30 Vict.  
c. 90.

(7.) Nothing in this section shall apply to any tent, van, shed, or structure erected or used by any portion of Her Majesty's military or naval forces.

Application  
of certain  
provisions as  
to byelaws  
and local  
inquiries.

10. (1.) With respect to byelaws authorized by this Act or by the Labouring Classes Lodging Houses Act, 1851, to be made—

(a) sections two hundred and two and two hundred and three of the Metropolis Management Act, 1855, where such byelaws are made by the Metropolitan Board of Works. or any nuisance authority in the metropolis; and

(b) the provisions of the Public Health Act, 1875, relating to byelaws, where such byelaws are made by a sanitary authority, shall apply to such byelaws, and a fine or penalty under any such byelaw may be recovered on summary conviction.

(2.) For the purposes of the execution of their duties under this Act the Local Government Board may hold such local inquiries as the Board see fit, and sections two hundred and ninety-three to two hundred and ninety-six, both inclusive, of the Public Health Act, 1875, relating to inquiries by such Board shall apply.

Amendment  
of  
45 & 46 Vict.  
c. 38.  
as regards  
erection of

11. (1.) The Settled Land Act, 1882, shall be amended as follows:—

(a.) Any sale, exchange, or lease of land in pursuance of the said Act, when made for the purpose of the erection on such

land of dwellings for the working classes, may be made at such price, or for such consideration, or for such rent, as having regard to the said purpose, and to all the circumstances of the case, is the best that can be reasonably obtained, notwithstanding that a higher price, consideration, or rent might have been obtained if the land were sold, exchanged, or leased for another purpose.

A.D. 1885.

buildings for working classes.

(b.) The improvements on which capital money may be expended, enumerated in section twenty-five of the said Act, and referred to in section thirty of the said Act, shall, in addition to cottages for labourers, farm servants, and artizans whether employed on the settled land or not, include any dwellings available for the working classes, the building of which in the opinion of the Court is not injurious to the estate.

(2.) Any body corporate holding land may sell, exchange, or lease such land for the purpose of the erection of dwellings for the working classes at such price, or for such consideration, or for such rent as having regard to the said purpose and to all the circumstances of the case is the best that can reasonably be obtained, notwithstanding that a higher price, consideration, or rent might have been obtained if the land were sold, exchanged, or leased for another purpose.

12. In any contract made after the passing of this Act for letting for habitation by persons of the working classes a house or part of a house, there shall be implied a condition that the house is at the commencement of the holding in all respects reasonably fit for human habitation. In this section the expression "letting for habitation by persons of the working classes" means the letting for habitation of a house or part of a house at a rent not exceeding in England the sum named as the limit for the composition of rates by section three of the Poor Rate Assessment or Collection Act, 1869, and in Scotland or Ireland four pounds.

Condition to be implied on letting houses for the working classes.

32 & 33 Vict. c. 41.

### *Supplemental.*

13. In this Act, unless the context otherwise requires—

Definitions.

The expression "sanitary district" means the district of a sanitary authority :

The expression "sanitary authority" means an urban sanitary authority or a rural sanitary authority :

The expressions "urban sanitary authority" and "rural sanitary authority" and "contributory place" have respectively the same meanings as in the Public Health Act, 1875 :

38 & 39 Vict. c. 55.

A.D. 1885.

The expression "metropolis" means the parishes and places within which the Metropolitan Board of Works have for the time being power to levy the consolidated rate :

The expression "cottage" may include a garden of not more than half an acre ; provided that the estimated annual value of such garden shall not exceed three pounds.

Construction of Act.

14 & 15 Vict.  
c. 31.

29 & 30 Vict.  
c. 28.

30 & 31 Vict.  
c. 28.

31 & 32 Vict.  
c. 130.

42 & 43 Vict.  
c. 61.

45 & 46 Vict.  
c. 54. Part II.

38 & 39 Vict.  
c. 36.

42 & 43 Vict.  
c. 63.

45 & 46 Vict.  
c. 54. Part I.

14. This Act, so far as it amends the Labouring Classes Lodging Houses Act, 1851, the Labouring Classes Dwelling Houses Act, 1866, and the Labouring Classes Dwelling Houses Act, 1867, (which Acts are in this Act referred to as the Labouring Classes Lodging Houses Acts, 1851 to 1867,) shall be construed as one with those Acts, and together with those Acts may be cited as the Labouring Classes Lodging Houses Acts, 1851 to 1885.

This Act, so far as it amends the Artizans Dwellings Acts, 1868 to 1882, shall be construed as one with those Acts, and together with those Acts may be cited as the Artizans Dwellings Acts, 1868 to 1885.

This Act, so far as it amends the Artizans and Labourers Dwellings Improvement Acts, 1875 to 1882, shall be construed as one with those Acts, and together with those Acts may be cited as the Artizans and Labourers Dwellings Improvement Acts, 1875 to 1885.

Application of Act to Ireland.

41 & 42 Vict.  
c. 52.

15. In the application of this Act to Ireland, the following provisions shall take effect :—

(1.) The Public Health (Ireland) Act, 1878, shall be substituted for the Public Health Act, 1875, and in particular the references in this Act to sections ten, ninety, ninety-one, and one hundred and seventy-five to one hundred and seventy-eight, both inclusive, of the Public Health Act, 1875, shall be respectively taken to be references to sections eight, one hundred, one hundred and seven, and two hundred and two to two hundred and four, both inclusive, of the Public Health (Ireland) Act, 1878, and the reference to sections two hundred and ninety-three to two hundred and ninety-six, both inclusive, of the Public Health Act, 1875, shall be taken to be a reference to sections two hundred and nine, two hundred and ten, two hundred and twelve, and two hundred and thirteen of the Public Health (Ireland) Act, 1878 :

(2.) The provisions of this Act which relate exclusively to the adoption by rural sanitary authorities of the Labouring Classes Lodging Houses Acts, 1851 to 1867, shall not apply to Ireland ;



- (3.) The Local Government Board for Ireland shall be substituted for the Local Government Board ; A.D. 1885.
- (4.) The Commissioners of Public Works in Ireland shall be substituted for the Public Works Loan Commissioners ;
- (5.) This Act, so far as it amends the Labouring Classes Lodging Houses and Dwellings (Ireland) Act, 1866, shall be construed with that Act, and that Act shall be included amongst the Labouring Classes Lodging Houses Acts, 1851 to 1867, as they are referred to under that description in this Act. So much of subsection four of section twenty-one of the said Act of 1866 as provides that no byelaws made under that Act shall be of any legal force until the same shall have received the approval of the Chief Secretary or Under Secretary for Ireland shall be amended by substituting therein the Local Government Board for Ireland in lieu of the Chief or Under Secretary ; 29 & 30 Vict. c. 44.
- (6.) Nothing contained in this Act shall prevent the adoption by any town commissioners, not being an urban sanitary authority, or by any such company, society, association, or private persons as are therein referred to, of the Labouring Classes Lodging Houses and Dwellings (Ireland) Act, 1866, by whom that Act might have been adopted if this Act had not been passed.

**16.** In the application of this Act to Scotland the following provisions shall have effect : Application of Act to Scotland.

- (1.) The Labouring Classes Lodging Houses Acts, 1851 to 1867, may be adopted by any local authority under the Public Health (Scotland) Act, 1867, and the Acts amending the same, and the expenses shall be paid and money borrowed as under the last-mentioned Acts ; 30 & 31 Vict. c. 101.
- (2.) The provisions of this Act with respect to the adoption of the Labouring Classes Lodging Houses Acts, 1851 to 1867, by a rural sanitary authority shall apply to the adoption thereof by a local authority, being a parochial board, as if the Board of Supervision for the Relief of the Poor in Scotland were substituted in the said provisions for the Local Government Board ;
- (3.) In the provisions of this Act with respect to the purchase of land, section ninety of the Public Health (Scotland) Act, 1867, and the enactments amending that section, shall be substituted for sections one hundred and seventy-five to one hundred and seventy-eight of the Public Health Act, 1875 ;
- (4.) The Artizans and Labourers Dwellings Improvement (Scotland) Act, 1875, and the Acts amending the same shall apply



- A.D. 1885.           to the whole of Scotland, and the local authority under the  
—                   Public Health (Scotland) Act, 1867, and the Acts amending  
                     the same shall be the local authority under the Act so applied.
- Short title.       **17.** This Act may be cited as the Housing of the Working Classes  
                     Act, 1885.
- Repeal.           **18.** The Acts mentioned in the schedule to this Act are hereby  
                     repealed to the extent in the third column of that schedule specified,  
                     without prejudice to anything done or suffered thereunder, or to any  
                     proceeding pending at the date of the passing of this Act.

## SCHEDULE.

A.D. 1885.

## ENACTMENTS REPEALED.

A description or citation of a portion of an Act in this Schedule is inclusive of the word, section, or other part first and last mentioned or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

Session and Chapter.	Short Title.	Extent of Repeal.
<i>Labouring Classes Lodging Houses Acts.</i>		
14 & 15 Viet. c. 34 - [1851].	The Labouring Classes Lodging Houses Act, 1851.	Section two. Section three, except from "words "importing the maseuline" to the end of the section. Sections five to thirty-four. So much of sections thirty-five to forty-three as relates to parishes or to the Commissioners for a parish, or to the vestry, guardians, churchwardens, or overseers of a parish. Section thirty-seven. Section forty. Section forty-one. Section forty-three from "and the surplus" to end of section. Section forty-four. In section forty-five from "and as "to any parish" to the end of the section. In section forty-six the words "and Commissioners" wherever they occur, and from "provided always" to the end of the section. So much of sections forty-eight, fifty-one, and fifty-two, and of the schedule, as relates to parishes or to the Commissioners for a parish. So much of sections four, six, and seven, as authorizes any council, board, or other sanitary authority to borrow, or as relates to Commissioners authorized to carry into execution the Labouring Classes Lodging Houses Act, 1851.
29 & 30 Viet. c. 28 - [1866].	The Labouring Classes Dwelling Houses Act, 1866.	So much of sections three to seven, of sections eleven to thirteen, and of section twenty-three, as relates to urban sanitary author- ities and urban sanitary dis- tricts.
29 & 30 Viet. c. 44. -	The Labouring Classes Lodging Houses and Dwellings Act (Ireland), 1866.	Section twenty-five. Section twenty.
46 & 47 Viet. c. 60. -	The Labourers (Ire- land) Act, 1883.	

A.D. 1885.

Session and Chapter.	Short Title.	Extent of Repeal.
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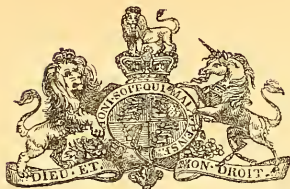
*Artizans Dwellings Acts.*

42 & 43 Vict. c. 64 [1879].	- The Artizans and Labourers Dwellings Act (1868) Amendment Act, 1879.	Sections five and six.
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*Artizans and Labourers Dwellings Improvement Acts.*

38 & 39 Vict. c. 36 [1875].	- The Artizans and Labourers Dwellings Improvement Act, 1875.	So much of section two as relates to the population of urban sanitary districts.
38 & 39 Vict. c. 49 [1875].	- The Artizans and Labourers Dwellings Improvement (Scotland) Act.	Section two.
45 & 46 Vict. c. 54 [1882].	- The Artizans Dwellings Act, 1882.	Section eleven.

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Printers to the Queen's most Excellent Majesty. 1885.



## CHAPTER 29.

An Act for the better Prevention of the Fraudulent Sale of A.D. 1887.  
Margarine. [23rd August 1887.]

**W**HEREAS it is expedient that further provision should be made for protecting the public against the sale as butter of substances made in imitation of butter, as well as of butter mixed with any such substances :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Margarine Act, 1887.

Short title.

2. This Act shall come into operation on the first day of January one thousand eight hundred and eighty-eight.

Commence-  
ment of Act.

3. The word "butter" shall mean the substance usually known as butter, made exclusively from milk or cream, or both, with or without salt or other preservative, and with or without the addition of colouring matter.

Definition.

The word "margarine" shall mean all substances, whether compounds or otherwise, prepared in imitation of butter, and whether mixed with butter or not, and no such substance shall be lawfully sold, except under the name of margarine, and under the conditions set forth in this Act.

4. Every person dealing in margarine, whether wholesale or retail, whether a manufacturer, importer, or as consignor or consignee, or as commission agent or otherwise, who is found guilty of an offence under this Act, shall be liable on summary conviction for the first offence to a fine not exceeding twenty pounds, and for the second offence to a fine not exceeding fifty pounds, and for the third or any subsequent offence to a fine not exceeding one hundred pounds.

Penalty.

A.D. 1887.

Exemption  
from penalty.

5. Where an employer is charged with an offence against this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the employer proves to the satisfaction of the Court that he had used due diligence to enforce the execution of this Act, and that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the employer shall be exempt from any penalty.

Marking of  
cases.

6. Every person dealing in margarine in the manner described in the preceding section shall conform to the following regulations:

Every package, whether open or closed, and containing margarine, shall be branded or durably marked "Margarine" on the top, bottom, and sides, in printed capital letters, not less than three quarters of an inch square; and if such margarine be exposed for sale, by retail, there shall be attached to each parcel thereof so exposed, and in such manner as to be clearly visible to the purchaser, a label marked in printed capital letters not less than one and a half inches square, "Margarine"; and every person selling margarine by retail, save in a package duly branded or durably marked as aforesaid, shall in every case deliver the same to the purchaser in or with a paper wrapper, on which shall be printed in capital letters, not less than a quarter of an inch square "Margarine."

Presumption  
against  
vendor.

7. Every person dealing with, selling, or exposing, or offering for sale, or having in his possession for the purpose of sale, any quantity of margarine contrary to the provisions of this Act, shall be liable to conviction for an offence against this Act, unless he shows to the satisfaction of the court before whom he is charged that he purchased the article in question as butter, and with a written warranty or invoice to that effect, that he had no reason to believe at the time when he sold it that the article was other than butter, and that he sold it in the same state as when he purchased it, and in such case he shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor unless he shall have given due notice to him that he will rely upon the above defence.

Margarine  
imported or  
manu-  
factured.

8. All margarine imported into the United Kingdom of Great Britain and Ireland, and all margarine whether imported or manufactured within the United Kingdom of Great Britain and Ireland, shall, whenever forwarded by any public conveyance, be duly consigned as margarine; and it shall be lawful for any



officer of Her Majesty's Customs or Inland Revenue, or any medical officer of health, inspector of nuisances, or police constable, authorised under section thirteen of the Sale of Food and Drugs Act, 1875, to procure samples for analysis if he shall have reason to believe that the provisions of this Act are infringed on this behalf, to examine and take samples from any package, and ascertain, if necessary by submitting the same to be analysed, whether an offence against this Act has been committed.

A.D. 1887.  
—  
38 & 39 Vict.  
c. 63.

9. Every manufactory of margarine within the United Kingdom of Great Britain and Ireland shall be registered by the owner or occupier thereof with the local authority from time to time in such manner as the Local Government Boards of England and Ireland and the Secretary for Scotland respectively may direct, and every such owner or occupier carrying on such manufacture in a manufactory not duly registered shall be guilty of an offence under this Act.

Registration  
of manufac-  
tory.

10. Any officer authorised to take samples under the Sale of Food and Drugs Act, 1875, may, without going through the form of purchase provided by that Act, but otherwise acting in all respects in accordance with the provisions of the said Act as to dealing with samples, take for the purposes of analysis samples of any butter, or substances purporting to be butter, which are exposed for sale, and are not marked Margarine, as provided by this Act; and any such substance not being so marked shall be presumed to be exposed for sale as butter.

Power to  
inspectors to  
take samples  
without  
purchase.

11. Any part of any penalty recovered under this Act may, if the Court shall so direct, be paid to the person who proceeds for the same, to reimburse him for the legal costs of obtaining the analysis, and any other reasonable expenses to which the Court shall consider him entitled.

Appropriation  
of  
penalties.

12. All proceedings under this Act shall, save as expressly varied by this Act, be the same as prescribed by sections twelve to twenty-eight inclusive of the Sale of Food and Drugs Act, 1875, and all officers employed under that Act are hereby empowered and required to carry out the provisions of this Act.

Proceedings.

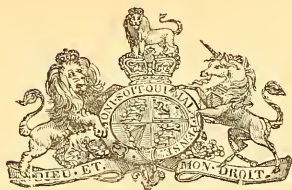
13. The expression "local authority" shall mean any local authority authorised to appoint a public analyst under the Sale of Food and Drugs Act, 1875.

Definition of  
local authority.

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## CHAPTER 52.

An Act to amend the Public Health Acts in relation to Buildings in Streets. A.D. 1888.  
—  
[24th December 1888.]

**W**HEREAS the provisions of the Public Health Act, 1875, with respect to bringing forward houses or buildings in streets are defective, and it is expedient to make further provisions in relation thereto :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Public Health (Buildings in Streets) Act, 1888, and this Act and the Public Health Act, 1875, and the Public Health (Water) Act, 1878, and the Public Health (Interments) Act, 1879, and the Public Health (Fruit Pickers Lodgings) Act, 1882, and the Public Health, 1875 (Support of Sewers), Amendment Act, 1883, and the Public Health (Confirmation of Byelaws) Act, 1884, and the Public Health (Officers) Act, 1884, and the Public Health (Ships, &c.) Act, 1885, and the Public Health (Members and Officers) Act, 1885, may be cited together as the Public Health Acts, and this Act shall be construed as one with the Public Health Act, 1875.

2. In this Act, unless the context otherwise requires, words and expressions to which meanings are assigned by the Public Health Act, 1875, have in this Act the same respective meanings.

3. Section one hundred and fifty-six of the Public Health Act, 1875, is, save as herein-after mentioned, hereby repealed, and in lieu thereof it is hereby enacted that it shall not be lawful in any urban district, without the written consent of the urban authority, to erect or bring forward any house or building in any street, or any part of such house or building, beyond the front main

38 & 39 Vict.  
c. 55.

Short titles  
and con-  
struction.

Interpreta-  
tion.

Buildings  
not to be  
brought  
forward.

A.D. 1888.  

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wall of the house or building on either side thereof in the same street, nor to build any addition to any house or building beyond the front main wall of the house or building on either side of the same.

Any person offending against this enactment shall be liable to a penalty not exceeding forty shillings for every day during which the offence is continued after written notice in this behalf from the urban authority.

Provided that the repeal by this Act enacted shall not affect anything duly done or suffered, or any right or liability acquired, accrued, or incurred, or any security given under the section hereby repealed, or any penalty, forfeiture, or punishment incurred in respect of any offence committed against such section, or any investigation, legal proceeding, or remedy in respect of any such right, liability, security, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not been passed.

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# Local Government (England and Wales) Act, 1888.

[51 & 52 VICT. CH. 41.]

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## ARRANGEMENT OF SECTIONS.

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A.D. 1888.

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A.D. 1888.      Section.

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A.D. 1888.

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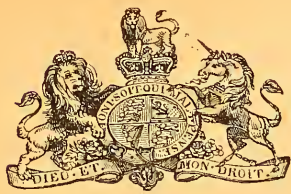
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- 125. Saving for charters, local Acts, &c.

*Repeals.*

- 126. Repeal of Acts.

SCHEDULES.





CHAPTER 41.

An Act to amend the Laws relating to Local Government in England and Wales, and for other purposes connected therewith. [13th August 1888.]

A.D. 1888.  
—

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

PART I.

COUNTY COUNCILS.

*Constitution of County Council.*

1. A council shall be established in every administrative county as defined by this Act, and be entrusted with the management of the administrative and financial business of that county, and shall consist of the chairman, aldermen, and councillors.

Establishment of county council.

2.—(1.) The council of a county and the members thereof shall be constituted and elected and conduct their proceedings in like manner, and be in the like position in all respects, as the council of a borough divided into wards, subject nevertheless to the provisions of this Act, and in particular to the following provisions, that is to say :—

Composition and election of council and position of chairman.

(2.) As respects the aldermen or councillors—

(a.) clerks in holy orders and other ministers of religion shall not be disqualified for being elected and being aldermen or councillors ;

(b.) a person shall be qualified to be an alderman or councillor who, though not qualified in manner provided by the Municipal Corporations Act, 1882, as applied by this Act, is a peer owning property in the county, or is registered as a parliamentary voter in respect of the ownership of property of whatsoever tenure situate in the county ;

45 & 46 Vict. c. 50.

(c.) the aldermen shall be called county aldermen, and the councillors shall be called county councillors ; and a county

A.D. 1888.

alderman shall not, as such, vote in the election of a county alderman ;

(d.) the county councillors shall be elected for a term of three years, and shall then retire together, and their places shall be filled by a new election ; and

(e.) the divisions of the county for the purpose of the election of county councillors, shall be called electoral divisions and not wards, and one county councillor only shall be elected for each electoral division :

(3.) As respects the number of the county councillors, and the boundaries of the electoral divisions in every county—

(a.) the number of the county councillors, and their apportionment between each of the boroughs which have sufficient population to return one councillor and the rest of the county, shall be such as the Local Government Board may determine ; and

(b.) any borough returning one councillor only shall be an electoral division ; and

(c.) in the rest of the county the electoral divisions shall be such as in the case of a borough returning more than one councillor the council of the borough, and in the rest of the county the quarter sessions for the county, may determine, subject in either case to the directions enacted by this Act ; and in the case of elections after the first, to any alterations made, in accordance with the said directions, in manner in this Act mentioned :

(4.) As respects the electors of the county councillors—

the persons entitled to vote at their election shall be, in a borough, the burgesses enrolled in pursuance of the Municipal Corporations Act, 1882, and the Acts amending the same, and elsewhere the persons registered as county electors under the County Electors Act, 1888 :

(5.) As respects the chairman of the county council—

(a.) he shall be called chairman instead of mayor ; and

(b.) he shall, by virtue of his office, be a justice of the peace for the county ; but before acting as such justice he shall, if he has not already done so, take the oaths required by law to be taken by a justice of the peace other than the oath respecting the qualification by estate.

(6.) The county council may from time to time appoint a member of the council to be vice-chairman, to hold office during the term of office of the chairman, and, subject to any rules made from time to time by the county council, anything authorised or

45 & 46 Vict.  
c. 50.51 & 52 Vict.  
c. 10.

*Part I.—County Councils.*

required to be done by, to, or before the chairman may be done by, A.D. 1888.  
to, or before such vice-chairman.

*Powers of County Council.*

3. There shall be transferred to the council of each county on and after the appointed day, the administrative business of the justices of the county in quarter sessions assembled, that is to say, all business done by the quarter sessions or any committee appointed by the quarter sessions, in respect of the several matters following, namely,—

Transfer to county council of administrative business of quarter sessions.

- (i.) The making, assessing, and levying of county, police, hundred, and all rates, and the application and expenditure thereof, and the making of orders for the payment of sums payable out of any such rate or out of the county stock or county fund, and the preparation and revision of the basis or standard for the county rate;
- (ii.) The borrowing of money;
- (iii.) The passing of the accounts of and the discharge of the county treasurer;
- (iv.) Shire halls, county halls, assize courts, judges lodgings, lock-up houses, court houses, justices rooms, police stations, and county buildings, works, and property, subject as to the use of buildings by the quarter sessions and the justices to the provisions of this Act respecting the joint committee of quarter sessions and the county council;
- (v.) The licensing under any general Act of houses and other places for music or for dancing, and the granting of licences under the Racecourses Licensing Act, 1879;
- (vi.) The provision, enlargement, maintenance, management, and visitation of and other dealing with asylums for pauper lunatics;
- (vii.) The establishment and maintenance of and the contribution to reformatory and industrial schools;
- (viii.) Bridges and roads repairable with bridges, and any powers vested by the Highways and Locomotives (Amendment) Act, 1878, in the county authority;
- (ix.) The tables of fees to be taken by and the costs to be allowed to any inspector, analyst, or person holding any office in the county other than the clerk of the peace and the clerks of the justices;

42 & 43 Vict.  
c. 18.

41 & 42 Vict.  
c. 77.



*Part I.—County Councils.*

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38 & 39 Vict.  
c. 17.

(x.) The appointment, removal, and determination of salaries, of the county treasurer, the county surveyor, the public analysts, any officer under the Explosives Act, 1875, and any officers whose remuneration is paid out of the county rate other than the clerk of the peace and the clerks of the justices;

(xi.) The salary of any coroner whose salary is payable out of the county rate, the fees, allowances, and disbursements allowed to be paid by any such coroner, and the division of the county into coroners' districts, and the assignment of such districts;

(xii.) The division of the county into polling districts for the purposes of parliamentary elections, the appointment of places of election, the places of holding courts for the revision of the lists of voters, and the costs of and other matters to be done for the registration of parliamentary voters;

(xiii.) The execution as local authority of the Acts relating to contagious diseases of animals, to destructive insects, to fish conservancy, to wild birds, to weights and measures, and to gas meters, and of the Local Stamp Act, 1869;

32 & 33 Vict.  
c. 49.49 & 50 Vict.  
c. 38.

(xiv.) Any matters arising under the Riot (Damages) Act, 1886;

(xv.) The registration of rules of scientific societies under the Act of the session of the sixth and seventh years of the reign of Her present Majesty, chapter thirty-six; the registration of charitable gifts under the Act of the session of the fifty-second year of the reign of George the Third, chapter one hundred and two; the certifying and recording of places of religious worship under the Act of the session of the fifty-second year of the reign of George the Third, chapter one hundred and fifty-five; the confirmation and record of the rules of loan societies under the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and ten; and

(xvi.) Any other business transferred by this Act.

Transfer of  
certain  
powers under  
local Acts.

4. Where it appears to the Local Government Board that any powers, duties, or liabilities of any quarter sessions or justices, or any committee thereof, under any local Act are similar in character to the powers, duties, and liabilities transferred to county councils by this Act, or relate to property transferred to a county council by this Act, the Board may, if they think fit, make a Provisional Order for transferring such powers, duties, and liabilities to the county council.

*Part I.—County Councils.*

5.—(1.) After the appointed day a coroner for a county shall not be elected by the freeholders of the county, and on any vacancy occurring in the office of a coroner for a county, who is elected to that office in pursuance of a writ de coronatore eligendo, a like writ for the election of a successor shall be directed to the county council of the county instead of to the sheriff, and the county council shall thereupon appoint a fit person, not being a county alderman or county councillor, to fill such office, and in the case of a county divided into coroners districts shall assign him a district; and any person so appointed shall have like powers and duties, and be entitled to like remuneration, as if he had been elected coroner for the county by the freeholders thereof.

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Appointment of coroners by county council.

(2.) Where the district of any such coroner is situate wholly within any administrative county, the council of that county shall, subject as herein-after mentioned, appoint the coroner.

(3.) Where the district of any such coroner is situate partly in one and partly in another administrative county forming part of an entire county, the joint committee for the entire county may arrange for the alteration in manner provided by law of the district, so that, on the next avoidance of the office of coroner of that district, or at any earlier time fixed by the joint committee when the alteration is made, the coroner's district shall not be situate in more than one administrative county.

(4.) Until such arrangement is made, the joint committee for the entire county shall appoint the coroner for the said district, and the amount payable in respect of the salary, fees, and expenses of such coroner shall be defrayed in like manner as costs of the joint committee are directed by this Act to be defrayed.

(5.) Nothing in this Act respecting the appointment of a coroner shall alter the jurisdiction of a coroner for the entire county, or any power of removing such coroner, whether by writ de coronatore exonerando or otherwise, and all writs for the election or removal of a coroner shall be altered so as to give effect to this section.

(6.) Sections eleven and fourteen and the First Schedule of the Coroners Act, 1887, and any other enactment relating to the election of a coroner for a county by the freeholders of such county or any district thereof, are hereby repealed as from the appointed day, without prejudice to anything done or suffered, or any legal proceeding commenced or penalty incurred before such repeal takes effect.

50 & 51 Vict. c. 71.

A.D. 1888.

(7.) A person who holds the office of coroner shall not be qualified to be elected as a county alderman or county councillor for the county for which he is a coroner.

Power of  
council as to  
bridges.

6. The county council shall have power to purchase, or take over on terms to be agreed on, existing bridges not being at present county bridges, and to erect new bridges, and to maintain, repair, and improve any bridges so purchased, taken over, or erected.

Transfer  
to county  
council of  
certain  
powers of  
justices out  
of session.

38 & 39 Vict.  
c. 17.

7. There shall be transferred to the county council on and after the appointed day the business of the justices of the county out of session—

(a.) in respect of the licensing of houses or places for the public performance of stage plays, and

(b.) in respect of the execution as local authority of the Explosives Act, 1875.

Reservation  
of business  
to quarter  
sessions.

8.—(1.) Nothing in this Act shall transfer to a county council any business of the quarter sessions or justices in relation to appeals by any overseers or persons against the basis or standard for the county rate or against that or any other rate.

(2.) All business of the quarter sessions or any committee thereof not transferred by or in pursuance of this Act to the county council shall be reserved to and transacted by the quarter sessions or committee thereof in the same manner, as far as circumstances admit, as if this Act had not passed.

Powers as to  
police.

9.—(1.) The powers, duties, and liabilities of quarter sessions and of justices out of session with respect to the county police shall, on and after the appointed day, vest in and attach to the quarter sessions and the county council jointly, and be exercised and discharged through the standing joint committee of the quarter sessions and county council appointed as herein-after mentioned :

19 & 20 Vict.  
c. 69.

(2.) Provided that the powers conferred by section seven of the County and Borough Police Act, 1856, which requires constables to perform, in addition to their ordinary duties, such duties connected with the police as the quarter sessions may direct or require, shall continue to be exercised by the quarter sessions as well as by the said standing joint committee, and may also be exercised by the county council ; and the said section shall be construed as if the county council and the said standing joint committee were therein mentioned as well as the quarter sessions.

(3.) Nothing in this Act shall affect the powers, duties, and liabilities of justices of the peace as conservators of the peace, or

the obligation of the chief constable or other constables to obey their lawful orders given in that behalf. A.D. 1888.

10.—(1.) After the passing of this Act it shall be lawful for the Local Government Board to make from time to time a Provisional Order for transferring to county councils—

Transfer to county council of powers of certain Government departments and other authorities.

(a) any such powers, duties, and liabilities of Her Majesty's Privy Council, a Secretary of State, the Board of Trade, the Local Government Board, or the Education Department, or any other Government department, as are conferred by or in pursuance of any statute and appear to relate to matters arising within the county, and to be of an administrative character: also

(b) any such powers, duties, and liabilities arising within the county, of any commissioners of sewers, conservators, or other public body, corporate or unincorporate (not being the corporation of a municipal borough or an urban or rural authority, or a school board, and not being a board of guardians) as are conferred by or in pursuance of any statute;

and such Order shall make such exceptions and modifications as appear to be expedient, and also such provisions as appear necessary or proper for carrying into effect such transfer, and for that purpose may transfer any power vested in Her Majesty in Council:

(2.) Provided that before any such Order is made, the draft thereof shall be approved, if it relates to the powers, duties, or liabilities of a Secretary of State, or the Board of Trade, or any other Government department, by such Secretary of State, Board, or department, and approved, if it affects the powers, duties, or liabilities of any commissioners, conservators, or body, corporate or unincorporate, by such commissioners, conservators, or body; and every such Provisional Order shall be of no effect until it is confirmed by Parliament.

(3.) If any such powers, duties, or liabilities as are referred to in any Provisional Order under this section arise within two or more counties, they may be transferred to the county councils of such two or more counties jointly, and may be exercised and discharged by a joint committee of such councils.

(4.) The Act of Parliament confirming any provisional order made under this section shall be a public general Act.

11.—(1.) Every road in a county, which is for the time being a main road within the meaning of the Highways and Locomotives

Entire maintenance of main roads



*Part I.—County Councils.*

A.D. 1888. (Amendment) Act, 1878, inclusive of every bridge carrying such road if repairable by the highway authority, shall, after the appointed day, be wholly maintained and repaired by the council of the county in which the road is situate, and such council, for the purpose of the maintenance, repair, improvement, and enlargement of, and other dealing with such road, shall have the same powers and be subject to the same duties as a highway board, and may further exercise any powers vested in the council for the purpose of the maintenance and repair of bridges, and the enactments relating to highways and bridges shall apply accordingly; and the county council shall have the same powers as a highway board for preventing and removing obstructions, and for asserting the right of the public to the use and enjoyment of the roadside wastes; and the execution of this section shall be a general county purpose, and the costs thereof shall be charged to the general county account.

by county  
council.  
41 & 42 Vict.  
c. 77.

(2.) Provided that any urban authority may, within twelve months after the appointed day, or in case of a road in the district of such authority becoming a main road at any subsequent date then within twelve months after that date, claim to retain the powers and duties of maintaining and repairing a main road within the district of such authority, and thereupon they shall be entitled to retain the same, and, for the purpose of the maintenance, repair, improvement, and enlargement of, and other dealing with such road, shall have the same powers and be subject to the same duties as if such road were an ordinary road vested in them, and the council shall make to such authority an annual payment towards the costs of the maintenance and repair, and reasonable improvement connected with the maintenance and repair of such road.

(3.) The amount of such payment shall be such annual sum as may be from time to time agreed on, or in the absence of agreement may be determined by arbitration of the Local Government Board.

(4.) The county council and any district council may from time to time contract for the undertaking by the district council of the maintenance, repair, improvement, and enlargement of, and other dealing with any main road, and, if the county council so require, the district council shall undertake the same, and such undertaking shall be in consideration of such annual payment by the county council for the costs of the undertaking as may from time to time



be agreed upon, or, in case of difference, be determined by arbitration of the Local Government Board; and for the purposes of such undertaking the district council shall have the same powers and be subject to the same duties and liabilities as if the road were an ordinary road vested in them. A.D. 1888.

(5.) Provided that in no case shall a county council make any payment to a district council towards the costs of such undertaking as respects any road, or towards the costs of the maintenance, repair, or improvement of any road by an urban authority, until the county council are satisfied by the report of their surveyor, or such other person as the county council may appoint for the purpose, that the road has been properly maintained and repaired, or that the improvement or enlargement of or other dealing with the road, as the case may be, has been properly executed.

(6.) A main road and the materials thereof, and all drains belonging thereto, shall, except where the urban authority retain the powers and duties of maintaining and repairing such road, vest in the county council, and where any sewer or other drain is used for any purpose in connexion with the drainage of any main road, the county council shall continue to have the right of using such sewer or drain for such purpose, and if any difference arises between a county council and any highway or sanitary authority as respects the authority in whom the drain is vested, or as to the use of any sewer or other drain, the council or the highway or sanitary authority may require such difference to be referred to arbitration, and the same shall be referred to arbitration in manner provided by this Act.

(7.) Where a county council declare a road to be a main road, such declaration shall not take effect until the road has been placed in proper repair and condition to the satisfaction of the county council.

(8.) If at any time the county council are satisfied, on the report of their surveyor or other person appointed by them for the purpose, that any portion of a main road, the maintenance and repair of which are undertaken by any district council, is not in proper repair and condition, the county council may cause notice to be given to such district council, requiring them to place the road in proper repair and condition; and, if such notice is not complied with within a reasonable time, the county council may do everything that seems to them necessary to place the road in proper repair and condition, and the expenses of so doing shall be a debt of the said district council to the county council.

A.D. 1888.

(9.) If any difference arises under this section between a county council and a district council as to the refusal of the county council to make a payment under this section to the district council in respect of any undertaking or road, or as to a road having been placed in proper repair and condition previously to its becoming a main road, or as to any notice given to the district council by the county council to place a road in proper repair and condition, such difference shall, if either council so require, be referred to the arbitration of the Local Government Board.

(10.) The county council may, if they think fit, contribute towards the costs of the maintenance, repair, enlargement, and improvement of any highway or public footpath in the county, although the same is not a main road.

(11.) Every authority having any power or duty to light the roads in their district shall have the same power and duty to light any main road in their district.

(12.) Anything authorised or required by law to be done by or to a highway or road authority shall, as respects a main road maintained by a county council, be authorised or required to be done by or to that council; and every authority having any power to break up any road in their district for the purpose of sewerage or otherwise shall have the like power of breaking up any main road in their district, but if the road is broken up the authority shall repair it to the satisfaction of the county council maintaining such road, and if it is not repaired to the satisfaction of the county council, that council may cause the necessary repairs to be done and may charge the costs against the authority, and the same shall be a debt due from the authority to the council.

41 & 42 Vict.  
c. 77.

(13.) Section twenty of the Highways and Locomotives (Amendment) Act, 1878, shall apply as if it were herein re-enacted and in terms made applicable to this section.

Roads and  
tolls in Isle  
of Wight.

12.—(1.) After the appointed day, tolls shall cease to be taken on any road maintained and repaired by the Isle of Wight Highway Commissioners, under the Isle of Wight Highway Acts, 1813 and 1883, and after such day the Highways and Locomotives (Amendment) Act, 1878, as amended by this Act, shall apply to the Isle of Wight, and to every such road above mentioned, in like manner as if it were ceasing within the meaning of the said Act to be a turnpike road, and the Act of the session of the forty-fourth and forty-fifth years of the reign of Her present Majesty, chapter seventy-two, shall be repealed.

44 & 45 Vict.  
c. 72.

*Part I.—County Councils.*

(2.) Until provision is otherwise made by Parliament, or by a Provisional Order confirmed by Parliament, the repair and maintenance of the said roads shall continue to be undertaken by the said commissioners, and the county council for the county of Southampton shall pay such commissioners, in respect of the said repairs and maintenance, and of the expenses of the commissioners, such sums as may be agreed upon, or, in case of difference, be settled by arbitration under this Act, and the provisions of this Act with respect to main roads shall apply as if the commissioners were a district council who had undertaken the maintenance and repair of such road.

A.D. 1888.

**13.**—(1.) After the appointed day no county road rate shall be levied, and tolls shall cease to be taken on any road maintained and repaired by a county roads board in South Wales, in pursuance of the South Wales Turnpike Trusts Act, 1844, and the Acts amending the same, and after such day the Highways and Locomotives (Amendment) Act, 1878, as amended by this Act shall apply to every county in South Wales as if the highway districts in that county had been constituted under the Highway Act, 1862, and the Highway Act, 1864, or one of those Acts, and shall apply to every such road as above-mentioned, in like manner as if it were ceasing, within the meaning of the said Act, to be a turnpike road.

Adaptation  
of Act to  
South Wales  
roads.  
7 & 8 Vict.  
c. 91.

25 & 26 Vict.  
c. 61.  
27 & 28 Vict.  
c. 101.

(2.) On the appointed day every county roads board and district roads board in each county shall cease to exist, and the property, debts, and liabilities of any such board shall be transferred to the county council, and that council shall be the successors of the county and district roads boards, and the provisions of this Act, with respect to the transfer of the property, debts, and liabilities of quarter sessions to county councils, and with respect to the officers and servants of quarter sessions, shall apply as if they were herein re-enacted and made applicable to the property, debts, liabilities, and officers of the said county and district roads boards.

(3.) For the following purposes (that is to say):

(a.) For giving effect to the said transfer of the property, debts, and liabilities, and for controlling the officers and servants transferred by this section to the county council, and otherwise winding up the affairs of the county and district roads boards; and

A.D. 1888.

(b.) For the purpose of the appointment of the surveyor of a highway board, the alteration of a highway district, and other purposes relating to highway boards;

the county council of every county in South Wales shall have all the powers of a county roads board in a county under the South Wales Turnpike Trusts Act, 1844, and the Acts amending the same, so, however, that nothing shall confer on the county council any power to levy any toll or county road rate.

Power to  
county  
council to  
enforce pro-  
visions of  
39 & 40 Vict.  
c. 75.

14.—(1.) On and after the appointed day a county council shall have power, in addition to any other authority, to enforce the provisions of the Rivers Pollution Prevention Act, 1876 (subject to the restrictions in that Act contained), in relation to so much of any stream as is situate within, or passes through or by, any part of their county, and for that purpose they shall have the same powers and duties as if they were a sanitary authority within the meaning of that Act, or any other authority having power to enforce the provisions of that Act, and the county were their district.

(2.) Any county council shall have power to contribute towards the costs of any prosecution under the said Act instituted by any other county council or by any urban or rural authority.

(3.) The Local Government Board, by Provisional Order made on the application of the council of any of the counties concerned, may constitute a joint committee or other body representing all the administrative counties through or by which a river, or any specified portion of a river, or any tributary thereof, passes, and may confer on such committee or body all of the powers of a sanitary authority under the Rivers Pollution Prevention Act, 1876, or such of them as may be specified in the Order; and the Order may contain such provisions respecting the constitution and proceedings of the said committee or body as may seem proper, and may provide for the payment of the expenses of such committee or body by the administrative counties represented by it, and for the audit of the accounts of such committee or body, and their officers.

Council to  
have power  
to oppose  
Bills in Par-  
liament.

15. The county council of an administrative county shall have the same powers of opposing Bills in Parliament, and of prosecuting or defending any legal proceedings necessary for the promotion or protection of the interests of the inhabitants of the county, as are conferred on the council of a municipal borough by the Act of the thirty-fifth and thirty-sixth years of Victoria, chapter ninety-one;



and subject as herein-after provided the provisions of that Act shall extend to a county council as if such council were included in the expression "governing body," and the administrative county were the district in the said Act mentioned. A.D. 1888.

Provided that—

(a.) No consent of owners and ratepayers shall be required for any proceedings under this section ;

(b.) This section shall not empower a county council to promote any Bill in Parliament, or to incur or charge any expense in relation thereto.

**16.**—(1.) A county council shall have the same power of making byelaws in relation to their county, or to any specified part or parts thereof, as the council of a borough have of making byelaws in relation to their borough under section twenty-three of the Municipal Corporations Act, 1882, and section one hundred and eighty-seven of the Public Health Act, 1875, shall apply to such byelaws : Power of county council to make bye-laws.  
45 & 46 Vict. c. 50.  
38 & 39 Vict. c. 55.

(2.) Provided that byelaws made under the powers of this section shall not be of any force or effect within any borough.

**17.**—(1.) The council of any county may, if they see fit, appoint and pay a medical officer of health, or medical officers of health, who shall not hold any other appointment or engage in private practice without express written consent of the council. Power of county councils to appoint medical officer of health.

(2.) The county council and any district council may from time to time make and carry into effect arrangements for rendering the services of such officer or officers regularly available in the district of the district council, on such terms as to the contribution by the district council to the salary of the medical officer, or otherwise, as may be agreed, and the medical officer shall have within such district all the powers and duties of a medical officer appointed by a district council.

(3.) So long as such an arrangement is in force, the obligation of the district council under the Public Health Act, 1875, to appoint a medical officer of health shall be deemed to be satisfied without the appointment of a separate medical officer.

**18.** Except where the Local Government Board, for reasons brought to their notice, may see fit in particular cases specially to allow, no person shall hereafter be appointed the medical officer of health of any county or county district, or combination of county Qualification of medical officers of health.



A.D. 1888. — districts, or the deputy of any such officer, unless he be legally qualified for the practice of medicine, surgery, and midwifery.

(2.) No person shall after the first day of January one thousand eight hundred and ninety-two be appointed the medical officer of health of any county or of any such district or combination of districts, as contained, according to the last published census for the time being, a population of fifty thousand or more inhabitants, unless he is qualified as above-mentioned, and also either is registered in the medical register as the holder of a diploma in sanitary science, public health, or State medicine under section twenty-one of the Medical Act, 1886, or has been during three consecutive years preceding the year one thousand eight hundred and ninety-two a medical officer of a district or combination of districts, with a population according to the last published census of not less than twenty thousand, or has before the passing of this Act been for not less than three years a medical officer or inspector of the Local Government Board.

49 & 50 Vict.  
c. 48.  
  
Power of  
county  
council as to  
report of  
medical  
officer of  
health.

19.—(1.) Every medical officer of health for a district in any county shall send to the county council a copy of every periodical report of which a copy is for the time being required by the regulations of the Local Government Board to be sent to the Board, and if a medical officer fails to send such copy the county council may refuse to pay any contribution, which otherwise the council would in pursuance of this Act pay, towards the salary of such medical officer.

(2.) If it appears to the county council from any such report that the Public Health Act, 1875, has not been properly put in force within the district to which the report relates, or that any other matter affecting the public health of the district requires to be remedied, the council may cause a representation to be made to the Local Government Board on the matter.

*Financial Relations between Exchequer and County, and Contributions by County for Costs of Union Officers.*

Payment to  
county  
council of  
proceeds of  
duties on  
local taxa-  
tion licences.

20.—(1.) After the financial year ending on the thirty-first day of March next after the passing of this Act, the Commissioners of Inland Revenue shall from time to time, in such manner and under such regulations as the Treasury from time to time prescribe, pay into the Bank of England to such account (in this Act referred to as the Local Taxation Account)

as may be fixed by the regulations, such sums as may be ascertained in manner provided by the regulations to be the proceeds of the duties collected by those Commissioners in each administrative county in England and Wales on the licences (in this Act referred to as local taxation licences) specified in the First Schedule to this Act, and for the purposes of this section all penalties and forfeitures recovered in respect of the said duties shall be considered as part of the proceeds of the duties. A.D. 1888.

(2.) The amount ascertained as aforesaid to have been collected in each county in respect of duties on local taxation licences shall, from time to time, be certified by the Commissioners of Inland Revenue, and paid under the direction of the Local Government Board out of the Local Taxation Account to the council of such county. The Commissioners may, if they think fit, vary such certificate, but unless so varied, their certificate shall be conclusive.

(3.) It shall be lawful for Her Majesty the Queen from time to time by Order in Council made on the recommendation of the Treasury to transfer to county councils as from the date specified in the Order the power to levy the duties on all or any of the local taxation licences, and after such date every county council and their officers shall (subject nevertheless to any exceptions and modifications contained in the Order) have within their county, for the purpose of levying the duties transferred, the same powers, duties, and liabilities as the Commissioners of Inland Revenue and their officers have with respect to the duties transferred, and to the issue and cancellation of licences on which the duties are imposed, and other matters under the Acts relating to those duties and licences, and all enactments relating to those duties and licences, and to punishments and penalties connected therewith, shall apply accordingly.

(4.) Provided as follows :—

- (i.) All penalties and forfeitures recovered by a county council in pursuance of this section shall, instead of being paid to the Exchequer, be paid to the county fund, and carried to the same account as the duties.
- (ii.) The county council shall have, as respects the said duties and licences, the power given by the said Acts to the Treasury for the restoration of any forfeiture, and the mitigation or remission of any penalty or any part thereof.
- (iii.) Nothing in this section shall confer on the county council any special privileges of the Crown as respects legal proceedings.

A.D. 1888.

(5.) On a transfer under this section of the power to levy the duties on any licence—

(a.) the county council shall provide for issuing, in different parts of their county, their licence for the same purpose, so as to enable persons to obtain it near their residences; and

(b.) if such licence has operation in any place in the United Kingdom outside the county in which it is issued, the licence of a county council for the same purpose shall continue to have the like operation outside the county in such place.

Grant to  
 county  
 council of  
 portion of  
 probate duty.

21. After the financial year ending the thirty-first day of March next after the passing of this Act, the Commissioners of Inland Revenue shall, from time to time, in such manner and under such regulations as the Treasury may from time to time prescribe, pay into the Bank of England to the Local Taxation Account, such sums as may be ascertained in manner provided by the regulations to be four fifth parts of one half of the proceeds of the sums collected by them in respect of the probate duties, and for the purpose of this section "probate duties" means the stamp duties charged on the affidavit required from persons applying for probate or letters of administration in England, Wales, or Ireland, and on the inventory exhibited and recorded in Scotland, and also the stamp duties charged on such accounts of personal and movable property as are specified in section thirty-eight of the Customs and Inland Revenue Act, 1881, and also includes the proceeds of all penalties and forfeitures recovered in relation to such stamp duties.

44 & 45 Vict.  
 c. 12.

Distribution  
 of probate  
 duty grant.

22.—(1.) The sums paid in pursuance of this Act to the Local Taxation Account, in respect of the proceeds of the probate duties (in this Act referred to as the "probate duty grant"), shall, until Parliament otherwise determine, be distributed among the several counties in England and Wales in proportion to the share which the Local Government Board certify to have been received by each county during the financial year ending the thirty-first day of March next before the passing of this Act out of the grants heretofore made out of the Exchequer in aid of local rates, which will cease to be granted after the passing of this Act, and the share to be so certified shall be estimated in such manner as the Local Government Board direct.

(2.) In the case of the six counties of South Wales and the Isle of Wight there shall be added to the amount actually received out of such grants as aforesaid such additional sum as the Local

Government Board certify to be the amount which each of the said counties and the Isle of Wight would have received, if the roads maintained by the county roads boards or the highway commissioners had been main roads.

A.D. 1888.

(3.) The proportion to be paid to each county shall from time to time be paid under the direction of the Local Government Board to the county council out of the Local Taxation Account. The Board may, if they think proper, vary their certificate, but unless it is so varied, their certificate shall be conclusive.

**23.—(1.)** All sums from time to time received by a county council in respect of—

(a.) the duties on the local taxation licences, whether collected by the Commissioners of Inland Revenue or by the county council; and

(b.) the probate duty grant,

shall be paid to the county fund and carried to a separate account, in this Act referred to as the Exchequer Contribution Account.

(2.) All sums for the time being standing to the Exchequer Contribution Account shall be applied—

(i.) in paying the costs incurred in respect thereof, or otherwise chargeable thereon; and

(ii.) in payment of the sums required by this Act to be paid by the county council in substitution for local grants; and

(iii.) in payment of the grant required by this Act to be made by the county council in respect of costs of union officers; and

(iv.) in repaying to the general county account of the county fund the costs on account of general county purposes for which the whole of the area of the county is liable to be assessed to county contributions;

and shall be so applied in the order above mentioned.

(3.) If any surplus remains after paying the above costs and sums, such proportion of the surplus, as the total rateable value of the area of each quarter sessions borough exempt from contributing to any special county purpose, bears to the rateable value of the whole county, shall be paid to the council of that borough, and the remainder shall be applied as follows:

(4.) It shall first be applied towards repaying to the proper special accounts of the county fund, the costs on account of which the area of the county, exclusive of such quarter sessions boroughs, is liable to be assessed to county contributions;

Application of duties on local taxation licences and probate duty grant.



A.D. 1888.

(5.) Provided that where any of the said quarter sessions boroughs to which a payment of a proportion of the surplus is made as aforesaid is liable to be assessed to county contributions for any of such last-mentioned costs, there shall be deducted from the amount payable to the council of that borough in respect of the said surplus, such sum as would have been raised within the area of the borough if the amount of such costs had been raised by county contributions.

(6.) If there remains any sum after repaying the said costs to the said accounts of the county fund, such residue shall be divided as follows, that is to say, such proportion thereof, as the total rateable value of the area of each borough maintaining a separate police force under the County and Borough Police Acts, and not being a quarter sessions borough above-mentioned, bears to the rateable value of the whole county, after deduction of the rateable value of every quarter sessions borough above-mentioned, shall be paid to the council of the borough, and the rest shall be applied towards repaying to the proper special accounts of the county fund the costs of the police, and other costs on account of which the area of the county, exclusive of all the said boroughs, is liable to be assessed to county contributions. Where a town, not being a borough, maintains its own police and receives any payment from the county council in pursuance of this Act towards the pay and clothing of such police, this enactment shall apply to such town as if it were a borough, and as if the sanitary authority therein were the council of the borough.

(7.) If any balance remains after all the above payments are made, and is in excess of what the county council consider necessary to carry forward to the next account, such excess shall be divided among the district councils other than the councils of quarter sessions or other boroughs to whom portions of the surplus have been paid under the foregoing provisions of this section, and shall be so divided in proportion to the rateable value of the area of each district.

(8.) Where any part of a county is situate within the Metropolitan Police district, this section shall apply as if that part were the area of a borough maintaining a separate police force, save that the sum which would be payable to such borough shall be paid to the district councils of the county districts wholly or partly situate in such part, and shall be divided among such district councils in



*Part I.—County Councils.*

proportion to the rateable value of the area of each district, or of so much thereof as is within the Metropolitan Police district. A.D. 1888.

(9.) All sums paid in pursuance of this section shall be carried, if paid to the council of a borough, to the borough fund, and if paid to a district council other than the council of a borough, to the district fund, and shall be applied to purposes for which the whole of the borough or district is liable to be rated.

(10.) The rateable value for the purpose of this section, shall be determined according to the standard or basis for county contributions for the time being.

24. Whereas certain grants heretofore made out of the Exchequer in aid of local rates (in this Act referred to as local grants) will by reason of the duties on the local taxation licences and the probate duty grant being by this Act made payable to local authorities, cease, it is therefore hereby enacted as follows:—

Payments by county council in substitution for annual local grants out of Exchequer in aid of local rates.

(1.) So much of any enactment as requires or authorises payment out of the Exchequer of any local grant in substitution for which the county council is required by this Act to make any payment is hereby repealed as from the thirty-first day of March next after the passing of this Act without prejudice to any right accrued before that day.

(2.) In substitution for local grants, the council of each county shall from time to time as from the said day pay out of the county fund and charge to the Exchequer Contribution Account the following sums, that is to say—

(a.) they shall pay to the guardians for every poor law union or officer for any other area wholly or partly in the county (as the case may be) such sums as the Local Government Board from time to time certify to be due from the said council in substitution for the local grants towards the remuneration of teachers in poor law schools, and for payments to public vaccinators under section five of the Vaccination Act, 1867; and

30 & 31 Vict.  
c. 84.

(b.) they shall pay to the guardians of every poor law union the school fees paid for pauper children sent from a workhouse to a public elementary school outside the workhouse; and

(c.) they shall pay to every local authority, for any area wholly or partly in the county, by whom a medical officer of health or inspector of nuisances is paid, one half of the salary of such officer, where his qualification, appointment, salary, and tenure of office are in accordance with the regulations made by order

A.D. 1888.

38 & 39 Vict.  
c. 55.

under the Public Health Act, 1875, or any Act repealed by that Act, but if the Local Government Board certify to the council that such medical officer has failed to send to the Local Government Board such report and returns as are for the time being required by the regulations respecting the duties of such officer made by order of the Board under any of the said Acts, a sum equal to such half of the salary shall be forfeited to the Crown, and the council shall pay the same into Her Majesty's Exchequer and not to the said local authority; and

- (d.) they shall pay to the guardians paying the registrars of births and deaths for any district wholly or partly in the county a sum equal to the amount paid out of local grants towards the remuneration of the registrars paid by those guardians during the financial year ending on the thirty-first day of March next after the passing of this Act; and
- (e.) they shall transfer to that account of the county fund to which the maintenance of any pauper lunatic chargeable to the county is charged, a sum equal to four shillings a week for each such pauper lunatic, for whom the net charge upon the county council, after deducting any amount received by the county council for the maintenance of such lunatic from any source other than local rates, is equal to or exceeds four shillings a week throughout the period of maintenance for which the sum is so transferred; and
- (f.) they shall pay to the guardians of every poor law union wholly or partly in the county a sum equal to four shillings a week for each pauper lunatic chargeable to that union, and maintained in an asylum, registered hospital, or licensed house, for whom the net charge upon the guardians, after deducting any amount received by them for the maintenance of such lunatic from any source other than local rates, is equal to or exceeds four shillings a week throughout the period of maintenance for which the sum is so paid; and
- (g.) they shall pay to the council of each borough to which the maintenance of any pauper lunatic is chargeable, a sum equal to four shillings a week for each such pauper lunatic for whom the net charge upon the council of the borough, after deducting any amount received by them for the maintenance of such lunatic from any source other than local rates, is equal to or exceeds four shillings a week throughout the period of maintenance for which the sum is so paid; and

*Part I.—County Councils.*

(h.) they shall transfer to that account of the county fund to which the compensation payable to the clerk of the peace of a county, or any other officer of quarter sessions for the county, under section eighteen of the Act of the session of the eighteenth and nineteenth years of the reign of Her present Majesty, chapter one hundred and twenty-six is charged, the amount of such compensation; and

(i.) they shall, subject to the provisions of this Act, transfer to the police account of the county fund a sum equal to one half of the costs of the pay and clothing of the police of the county during the preceding year; and

(j.) they shall, subject to the provisions of this Act, pay to the council of each borough maintaining a separate police force under the County and Borough Police Acts, one half of the costs of the pay and clothing of the police of that borough during the preceding year; and

(k.) they shall, if within their county sums are raised by rates for the purpose of the metropolitan police, pay to the receiver for the metropolitan police district in each year, a sum bearing such proportion to the sum actually raised in the same year by rates from the parishes in that county for the said purpose as a Secretary of State certifies to be the proportion which would have been contributed out of the Exchequer under the arrangement in force during the financial year next before the passing of this Act.

(3.) A reference in sections one hundred and eighty-nine and one hundred and ninety-one of the Public Health Act, 1875, to officers any portion of whose salary is paid out of moneys provided by Parliament shall be construed to refer to those officers in respect of whose salaries payment is made by a county council in pursuance of this section.

(4.) Where any payment towards the pay and clothing of the police of any town has been made in pursuance of section eighteen of the County and Borough Police Act, 1856, which authorises such payment to be made until the discontinuance of the police, the like payment shall, notwithstanding anything in this section, be made by the county council to the authority of such town until such discontinuance.

(5.) Where a sum is payable under this section to the guardians, authority, or officer of a union or other area, and such union or area is situate in more administrative counties than one, a

A.D. 1888.

19 & 20 Vict.  
c. 69.

A.D. 1888. — proportionate part only of the sum otherwise payable shall be paid by the council of each of such counties to the guardians, authority, or officer, and the Local Government Board shall certify the proportionate part due from the council of each such county.

(6.) The guardians, authority, or officer to whom a sum is payable under this section on the certificate of the Local Government Board, shall submit to the Board their claim to the payment in such manner, and produce such evidence and comply with such rules as the Board from time to time require or make, and the Board shall fix the amount due on the like principles, and may impose the like conditions for the payment thereof as before the passing of this Act.

(7.) The Local Government Board may, if they think fit, vary a certificate granted for the purposes of this section, but, unless so varied, it shall be conclusive.

As to Secretary of State's power respecting efficiency of police.

25.—(1.) If a Secretary of State withholds as respects the police of any county, his certificate under the County and Borough Police Act, 1856, that the police of the county has been maintained in a state of efficiency in point of numbers and discipline during the year ending on the twenty-ninth day of September then last past, the council of that county, in lieu of transferring any sum under the foregoing provisions of this Act to the police account of the county fund, shall forfeit to the Crown and shall pay into Her Majesty's Exchequer out of the county fund, and shall charge to the Exchequer Contribution Account of that fund, such sum as the Secretary of State certifies to be in his opinion equivalent to one half of the cost of the pay and clothing of the police of the county during the said year.

19 & 20 Vict.  
c. 69.

(2.) If a Secretary of State withholds, as respects the police of any borough, his certificate under the County and Borough Police Act, 1856, that the police of the borough has been maintained in a state of efficiency in point of numbers and discipline for the year ending on the twenty-ninth day of September then last past, no payment shall be made by the county council to the council of the borough in respect of one half of the costs of the pay and clothing of the police of that borough during the said year, and such amount as a Secretary of State certifies to be in his opinion the equivalent of such one half shall be transferred by the county council from the Exchequer Contribution Account to the general county account and applied to the general purposes of the county.



*Part I.—County Councils.*

26.—(1.) After the thirty-first day of March next after the passing of this Act, every county council, other than the London county council, shall grant to the guardians of every poor law union wholly or partly in their county, an annual sum for the costs of the officers of the union and of district schools to which the union contributes; and, until Parliament otherwise determine, the said annual sum shall be such sum as the Local Government Board certify to have been expended by the guardians of each poor law union during the financial year ending the twenty-fifth day of March next before the passing of this Act, on the salaries, remuneration, and superannuation allowances of the said officers (other than teachers in poor law schools), and on drugs and medical appliances.

A.D. 1888.

Grant  
by county  
council  
towards  
costs of  
officers of  
union.

(2.) Where a poor law union is situate in more counties than one, the payment under this section to the guardians of the union shall be borne by the counties in which each portion of such union is situate, in proportion to the rateable value of that portion, ascertained on such day as the Local Government Board may fix.

27.—(1.) When a county council are required under the provisions of this or any other Act to pay any sum into Her Majesty's Exchequer, or to the Treasury, or to the receiver for the metropolitan police district, such sum shall be deducted from the amount payable under the provisions of this Act out of the Local Taxation Account to such county council, and instead of being paid to the county council, shall be paid into Her Majesty's Exchequer, or to the receiver for the metropolitan police district, as the case requires.

Supple-  
mental pro-  
visions as to  
local taxation  
account and  
Exchequer  
contribution  
account.

(2.) The account of the receipts and expenditure of the Local Taxation Account shall be audited as a public account by the Comptroller and Auditor-General in accordance with such regulations as the Treasury may from time to time make.

(3.) If at any time in any financial year the moneys standing to the Local Taxation Account are insufficient to meet such sums as the Local Government Board consider proper for the time being to pay thereout, the Local Government Board may borrow temporarily on the security of the said account and of moneys becoming payable thereto such sums as they require for the purpose of meeting such deficiency, and the Bank of England may lend such sums, but all sums so borrowed shall be repaid with the interest thereon during the same financial year out of moneys payable to the said account.



## Part I.—County Councils.

A.D. 1888.

*General Provisions as to Transfer.*

General provisions as to powers transferred to county council.

**28.—(1.)** The county council shall, as respects the business by this Act transferred to them from quarter sessions or the justices out of sessions, be subject to the provisions and limitations in this Act specified, but, save as aforesaid, shall have and be subject to all the powers, duties, and liabilities, which the quarter sessions, or any committee thereof, or any justice or justices had or were subject to in respect of the business so transferred.

(2.) The county council shall, with the exceptions herein-after mentioned, have power to delegate, with or without any restrictions or conditions as they may think fit, any powers or duties transferred to them by or in pursuance of this Act, either to any committee of the county council appointed in pursuance of this Act, or to any district council in this Act mentioned; the county council may also, without prejudice to any other power whether to appoint committees or otherwise, delegate to the justices of the county sitting in petty sessions any power or duty transferred by this Act to the county council in respect of the licensing of houses or places for the public performance of stage plays, and in respect of the execution as local authority of the Explosives Act, 1875, or of the Act relating to contagious diseases of animals.

38 & 39 Vict.  
c. 17.

(3.) Provided that the county council shall not under this section delegate any power of raising money by rate or loan.

Summary proceeding for determination of questions as to transfer of powers.

**29.** If any question arises, or is about to arise, as to whether any business, power, duty, or liability is or is not transferred to any county council or joint committee under this Act, that question, without prejudice to any other mode of trying it, may, on the application of a chairman of quarter sessions, or of the county council, committee, or other local authority concerned, be submitted for decision to the High Court of Justice in such summary manner as subject to any rules of court may be directed by the court; and the court, after hearing such parties and taking such evidence (if any) as it thinks just, shall decide the question.

Standing joint committee of quarter sessions and county council for the purpose of police,

**30.—(1.)** For the purpose of the police, and the clerk of the peace, and of clerks of the justices, and joint officers, and of matters required to be determined jointly by the quarter sessions and the council of a county, there shall be a standing joint committee of the quarter sessions and the county council, consisting of such equal number of justices appointed by the quarter sessions

*Part II.—Application of Act to Boroughs, the Metropolis,  
and certain Special Counties.*

and of members of the county council appointed by that council as may from time to time be arranged between the quarter sessions and the council, and in default of arrangement such number taken equally from the quarter sessions and the council as may be directed by a Secretary of State.

A.D. 1888.

clerk of the  
peace,  
officers, &c.

(2.) The joint committee shall elect a chairman, and, in the case of an equality of votes for two or more persons as chairman, one of those persons shall be elected by lot.

(3.) Any matter arising under this Act with respect to the police, or to the clerk of the peace, or to clerks of the justices, or to officers who serve both the quarter sessions or justices and the county council, or to the provision of accommodation for the quarter sessions or justices out of session or to the use by them or the police or the said clerks of any buildings, rooms, or premises, or to the application of the Local Stamp Act, 1869, to any sums received by clerks to justices, or with respect to anything incidental to the above-mentioned matters, and any other matter requiring to be determined jointly by the quarter sessions and county council, shall be referred to and determined by the joint committee under this section; and all such expenditure as the said joint committee determine to be required for the purposes of the matters above in this section mentioned, shall be paid out of the county fund, and the council of the county shall provide for such payment accordingly.

32 & 33 Vict.  
c. 49.

## PART II.

APPLICATION OF ACT TO BOROUGHs, THE METROPOLIS, AND  
CERTAIN SPECIAL COUNTIES.*Application of Act to Boroughs.*

31. Each of the boroughs named in the Third Schedule to this Act being a borough which on the first day of June one thousand eight hundred and eighty-eight, either had a population of not less than fifty thousand, or was a county of itself shall, from and after the appointed day, be for the purposes of this Act an administrative county of itself, and is in this Act referred to as a county borough.

Certain large  
boroughs  
named in  
the schedule  
to be county  
boroughs.

*Part II.—Application of Act to Boroughs, the Metropolis, and certain Special Counties.*

A.D. 1888. — Provided that for all other purposes a county borough shall continue to be part of the county (if any) in which it is situate at the passing of this Act, and if a separate commission of assize, oyer and terminer, or gaol delivery is not directed to be executed within the borough, the borough shall, for the purposes of any such commission, and of the service of jurors, and the making of jury lists, be part of the county in which it is specified in the said schedule to be deemed for the purposes of this Act to be situate.

Adjustment  
of financial  
relations  
between  
counties and  
county  
boroughs.

32.—(1.) An equitable adjustment respecting the distribution of the proceeds of the local taxation licensees, and probate duty grant, and respecting all other financial relations, if any, between each county, and each county borough specified in the said schedule as being deemed for the purposes of this Act to be situate in that county, shall be made by agreement, within twelve months after the appointed day, between the councils of each county and each borough, and in default of any such agreement, by the Commissioners appointed under this Act; and such adjustment shall provide, in the case of any expenses which may in future be incurred by the county wholly or partly on behalf of the borough for the liability of such borough to contribute, and save as provided by this Act, any existing liability to contribute or to incur expense shall, after the appointed day, cease, and an equitable provision for such cessation shall be made in the adjustment.

(2.) Where a county borough is specified in the said schedule as being deemed for the purposes of this Act to be situate in more than one county, the necessary adjustment shall be made between the counties.

(3.) In such adjustment regard shall be had to the existing property, debts, and liabilities (if any) connected with the financial relations of the county and borough, and to the consideration that the county is not to be placed in any worse financial position by reason of the boroughs therein being constituted county boroughs, and that a county borough is not to be placed in a worse financial position than it would have been in if it had remained part of the county and had shared in the division of the sums received by a county in respect of the licence duties and the probate duty grant, as provided by this Act, and to the amount of benefit and value of the services which the borough receives in return for existing contributions, if any, and to all the circumstances of each case

*Part II.—Application of Act to Boroughs, the Metropolis, and certain Special Counties.*

which it appears equitable to consider, subject nevertheless to the following provisions :— A.D. 1888.

- (a.) Where separate commissions of assize, oyer and terminer, and gaol delivery are not directed to be executed in a county borough, the borough council shall contribute a proper share of the costs of and incidental to the assizes of the county :
- (b.) If the borough is not at the passing of this Act a quarter sessions borough, the borough council shall contribute a proper share of the costs of and incidental to the quarter sessions and petty sessions of the county, and of and incidental to the coroners of the county or any franchise therein, and if a grant of a court of quarter sessions is hereafter made to the borough, the borough shall redeem the liability to such contribution, on such terms as may be agreed upon, or, in default of agreement, may be determined by arbitration under this Act :
- (c.) Where any portion of the costs of building and furnishing any county lunatic asylum has been contributed by a county borough, then, until a new arrangement is made between the county and borough councils, the borough council shall contribute in respect of the lunatic asylums for the time being of the county the like amount as would if this Act had not passed have been contributed by the borough ; and the county council shall provide accommodation for and maintain pauper lunatics sent from the borough on the like terms as before the passing of this Act ; and the borough council may, if they so desire, appoint to be members of the committee of visitors of any such asylum such number of members of the council as may be agreed upon, or in default of agreement be determined by the Commissioners under this Act, but such appointment shall be in substitution for any appointment made on the part of the borough under any existing law or arrangement. Any new arrangement may be made between the county council and all the borough councils concerned with respect to any such lunatic asylum, and if any such new arrangement is made, the borough and county councils may carry into effect any adjustment of property, debts, and liabilities which is the subject of such arrangement. If any council desires to make a new arrangement, and any or all of the other councils refuse to agree to the same, the matter shall



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A.D. 1888.

be referred to the Commissioners under this Act, or, after they have ceased to hold office, to arbitration under this Act.

(d.) Each county borough shall be liable for the maintenance of pauper lunatics in like manner as any other county.

(4.) In the adjustment of any financial relations other than the distribution of the proceeds of the licences and probate duty grant, no borough wholly or partially exempt from contributing to any object shall be rendered liable so to contribute or to contribute in greater proportion than at present.

(5.) The provisions of Part III. of this Act with respect to the adjustment of property, income, debts, liabilities, and expenses, and to borrowing for the purpose shall apply as if the Commissioners under this Act were the arbitrator in that Part mentioned.

(6.) Provided that at any time after the end of five years from the date of an agreement or award adjusting the financial relations of any county and borough, if the council of either the county or borough satisfy the Local Government Board that the adjustment has become inequitable, and that the councils are unable to agree on a new adjustment, the board shall appoint an arbitrator; and such arbitrator shall proceed to make a new equitable adjustment as if he were the Commissioners under this Act, and the provisions of this Act shall apply accordingly. Any new adjustment made by agreement, or by the award of an arbitrator under this section, may, after the expiration of five years from the date of such agreement or award, be altered either by agreement or by arbitration as above mentioned.

(7.) Until any adjustment in pursuance of this section has come into operation, the county or borough council shall pay out of the county or borough fund to the borough or county council, as the case may be, the average annual amount which during the three years next before the appointed day has been expended by the county for the benefit of the borough, or contributed by the borough to the county, as the case may be, but any sum so paid shall be taken into account in the making of the adjustment, and the adjustment shall be made so as to take effect as from the appointed day.

(8.) Any contribution by a county borough to the county in pursuance of this section shall be required and made in accordance with section one hundred and fifty-three of the Municipal Corporations Act, 1882, and that section, except so far as relates



*Part II.—Application of Act to Boroughs, the Metropolis, and certain Special Counties.*

to the appointment of an arbitrator, shall apply in like manner as if every such borough were a quarter-sessions borough situate in the county. A.D. 1888.

(9.) Expressions in this section relating to contributions by a borough to a county shall be construed to include any sum raised by the assessment of the parishes or hereditaments in the borough to the county rate.

**33.—**(1.) Nothing in this Act with respect to county boroughs shall prevent the continuance of one police force for any county borough and any county, or the consolidation of the police forces of any county borough and any county in like manner as heretofore, but where the provisions of this Act affect the arrangement with respect to the consolidated police force for a county and borough, an adjustment shall be made between the council of the borough and county in accordance with the provisions of this Act. The foregoing provisions of this section shall apply to boroughs which are not county boroughs in like manner as if they were re-enacted and in terms made applicable to those boroughs. Provisions as to police and rateable value in county boroughs.

(2.) Where, for the purpose of calculating any contribution or payment to be made under this Act, it is necessary to ascertain the rateable value of both a county and a county borough, such rateable value shall be ascertained and fixed by a joint committee composed of representatives of all the councils concerned, and such committee shall for that purpose have all the powers and jurisdiction of quarter sessions and of a committee of justices appointed under the County Rate Act, 1852, and the Acts amending the same, and the number of representatives for the county and each county borough respectively shall be settled by agreement, or in default of agreement by the Local Government Board. 15 & 16 Vict. c. 81.

**34.—**(1.) The mayor, aldermen, and burgesses of each county borough acting by the council shall, subject as in this Act mentioned, have and be subject to all the powers, duties, and liabilities of a county council under this Act (in so far as they are not already in possession of or subject to the same), and in particular shall, subject to the provisions of this Act as to adjustment between counties and county boroughs, be entitled to receive the like sums out of the Local Taxation Account, and be bound to make the like payments in substitution for local grants and the like grants in respect of the costs of the officers of unions and of district schools as in the case of a county council, so far as the circumstances make such payments Application of Act with modifications to county boroughs.

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A.D. 1888. applicable, and all the provisions of this Act (including those with respect to the forfeiture on the withholding by a Secretary of State of his certificate as respects the police of the county) shall accordingly, so far as circumstances admit, apply in the case of every such borough, with the necessary modifications, and in particular with the following modifications :—

- (a.) The county borough shall be substituted for the county, and borough fund shall be substituted for county fund, and town clerk shall be substituted for clerk of the peace and clerk of the council :
- (b.) A reference to two or more counties shall include a reference to county boroughs as well as counties.
- (c.) Such powers, duties, and liabilities of the court of quarter sessions or justices as in the case of a county are transferred to the county council shall be transferred to the council of the county borough, whether the same are vested in or attached to the court of quarter sessions or justices of the borough or of the county in which the borough is situate :
- (d.) In the case of the duties collected by the Commissioners of Inland Revenue in respect of the licences for trade carts, locomotives, horses, mules, and horse dealers under any Act of the present session, those Commissioners shall certify the amount collected in each county in like manner as if the county included each county borough specified in the Third Schedule to this Act as deemed to be situate in that county, and the amount as so ascertained shall be divided between the said boroughs, and the residue of the said county in proportion to rateable value as fixed by the joint committee in pursuance of this Act, and until such value is fixed in proportion to rateable value according to the standard or basis for county contributions for the time being, and the share so ascertained shall be paid in like manner as if it had been collected in the county borough or in the residue of the county, as the case may be :
- (e.) Any sum standing to the Exchequer contribution account of a county borough which remains after payment of the grant required to be made in respect of the costs of union officers shall be carried to the borough fund, or be applied in aid of such rate leviable over the whole of the borough as the council may determine, and the provisions respecting the payment of the

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same to the general county account of the county fund, and the subsequent application and division thereof, shall not apply. A.D. 1888.

(2.) On the appointed day there shall be transferred to the mayor, aldermen, and burgesses of each county borough all such bridges and approaches thereto, or parts thereof, situate within the borough as were previously repairable by the county or any hundred therein, and the costs of the council in repairing such bridges and approaches, or parts thereof, and in repairing any roads in the borough which by virtue of this Act or any Act applied by this Act are main roads, shall be payable out of the borough fund.

(3.) The provisions of this Act with respect to—

(a.) the constitution, election, proceedings, or position of the county council or the chairman thereof,

(b.) the county treasurer, county surveyor, and other county officers,

(c.) the standing joint committee of the justices and the council, or

(d.) coroners, or

(e.) gas meters, or

(f.) the transfer to the council of powers relating to county and other rates, and the preparation or revision of the basis or standard for the county rate ;

shall not apply to county boroughs, nor shall Part IV. of this Act relating to finance apply, save so far as is expressly provided in that Part.

(4.) Provided that where the district of any county coroner is wholly situate within a county borough, the coroner for that district shall be appointed by the council of that borough, and the writ for his election may be issued to that council instead of to the county council, and where the district of any county coroner is situate partly within and partly without a county borough, the writ for the election of such coroner shall be issued to the county council, but if there is a joint committee of the county and borough councils for the purpose, the question of the person to be elected shall be referred to that joint committee, and the county council shall appoint the person recommended by the majority of such committee.

(5.) If the council of a county borough so require, a joint committee shall from time to time be appointed for the purposes of coroners, consisting of such number of members of the county

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A.D. 1888. and borough councils as may be agreed upon, or in default of agreement may be determined by a Secretary of State.

(6.) Nothing in this Act shall transfer to the council of any borough any power in relation to the division of the county into polling districts for the purpose of a parliamentary election for the county, the appointment of places of election for the county, the places of holding courts for the revision of the lists of voters, and the costs of, and other matters to be done for, the registration of parliamentary voters for the county.

50 & 51 Vict. c. 48. (7.) The powers and duties of the county authority under the Allotments Act, 1887, shall, as respects the borough, continue to be exercised and performed by the Local Government Board.

45 & 46 Vict. c. 50. (8.) This Act and the Municipal Corporations Act, 1882, shall be construed so as to give effect to the provisions of this section.

Application of Act to larger quarter sessions boroughs not county counties.

**35.** In the case of a quarter sessions borough, not being one of the boroughs named in the Third Schedule to this Act, but containing, according to the census of one thousand eight hundred and eighty-one, a population of ten thousand or upwards, the following provisions shall, on and after the appointed day, apply:

(1.) Nothing in this Act shall transfer to the county council any power of the council of the borough as local authority under any Act, or (save as in this Act expressly mentioned) alter the powers, duties, and liabilities of the council of the borough under the Municipal Corporations Act, 1882, but subject to the above provisions and to the savings herein-after contained, the borough shall form part of the county for the purposes of this Act, and the parishes in the borough shall, subject to the exemptions herein-after mentioned, be liable to be assessed to county contributions in like manner as the rest of the county.

(2.) Where such borough is at the passing of this Act exempt, in whole or in part, from contributing towards costs incurred for any purpose for which the quarter sessions of the county in which the borough is situate are authorised to incur cost the parishes in the borough shall not, save as in this Act expressly mentioned, be assessed by the county council to county contributions in respect of costs incurred for any such purpose, nor in the case of a partial exemption, be so assessed for any larger sum than such as will give effect to that



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exemption, but this exemption shall not extend to any costs A.D. 1888.  
incurred for the purpose of any powers, duties, or liabilities  
of the justices of the borough, which will by virtue of this  
Act be exercised or discharged by the county council nor to  
any costs of or incidental to the assizes of the county.

- (3.) Notwithstanding the last enactment the borough shall, for the  
purposes of the provisions of the Highways and Locomotives 41 & 42 Vict.  
c. 77.  
(Amendment) Act, 1878, respecting main roads, form part of  
the county, and the costs of maintaining, repairing, improving,  
enlarging, or otherwise dealing with any main road in the  
borough shall be paid out of the county fund, and the payment  
of the costs incurred in the execution of the provisions of this  
Act with respect to main roads shall be a general county  
purpose for which the parishes of the borough may be assessed  
to county contributions :

(4.) Provided that—

- (a.) the borough shall be deemed to be an urban sanitary  
district within the meaning of the Highways and 41 & 42 Vict.  
c. 77.  
Locomotives (Amendment) Act, 1878; and the council  
of the borough shall have the power under the Highways  
and Locomotives (Amendment) Act, 1878, of making bye-  
laws respecting locomotives, and authorising locomotives to  
be used on any road within the borough, save that if any  
difference is made by such byelaws or authority between  
any main road maintained by the county council and the  
other roads in the borough, such authority and byelaws  
shall require the approval of the county council; and
- (b.) the council of the borough shall have power as an  
urban authority to claim, in accordance with this Act,  
to retain the powers and duties of maintaining and  
repairing any main road in the borough; and
- (c.) the council of the borough may within two years after  
the passing of this Act apply to the county council to  
declare such roads in the borough as are mentioned in the  
application to be main roads within the meaning of the  
Highways and Locomotives (Amendment) Act, 1878, and  
the county council shall consider such application and  
inquire whether such roads are or ought to be main roads  
within the meaning of the said Act, and shall make or



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refuse the declaration accordingly, and if the county council refuse to make the declaration, the council of the borough may within a reasonable time after such refusal apply to the Local Government Board, and that Board, shall have power, if after a local inquiry they think it just so to do, to make the said declaration, which shall have the same effect as if made by the county council.

(5.) The payment of the costs of assizes and sessions shall be a general county purpose for which the parishes in the borough may be assessed to county contributions, and all costs of prosecutions mentioned in section one hundred and sixty-nine of the Municipal Corporations Act, 1882, shall be paid out of the county fund.

(6.) The county councillors elected for an electoral division consisting wholly of such borough, or of some part of such borough, shall not act or vote in respect of any question arising before the county council as regards matters involving expenditure on account of which the parishes in the borough are not, for the time being, liable to be assessed equally with the rest of the county to county contributions.

(7.) The county council and the council of any such borough may agree for the cessation in whole or in part of any exemption under this section of the parishes in the borough from assessment to county contributions, in consideration either of payment by the county council of a capital sum, or of an annual payment, or of a transfer of property or liabilities, or of the county council undertaking in substitution for the council of the borough any powers or duties, or partly for one consideration and partly for another, or in any other manner, according as may be determined.

(8.) A borough which is a county of a city or a county of a town shall, for the purposes of this section, be deemed to be situate in and form part of the county which it adjoins, or if it adjoins more than one county, then in and of the county of which it forms part for the purposes of parliamentary elections.

**36.—(1.)** Where a borough has a separate commission of the peace, whether a quarter sessions borough or not (and is not a borough named in the Third Schedule to this Act), then, subject to the provisions of this Act, all such powers, duties, and liabilities of the

45 & 46 Vict.  
c. 50.

General application of Act to boroughs with separate commission of the peace.

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court of quarter sessions or justices of the borough, as in the case of the county are by this Act transferred to the county council, shall cease, and the county council shall have those powers, duties, and liabilities within the area of the borough in like manner as in the rest of the county ;

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(2.) Provided that such powers, duties, or liabilities, so far as they are under the Acts relating to pauper lunatics, shall, save as otherwise provided by this Act, be transferred to the council of the borough and not to the county council, and the provisions of this Act with respect to the transfer to a county council shall apply with the necessary modifications to such transfer to the council of the borough.

37. The grant after the passing of this Act of a court of quarter sessions to any borough, not being a county borough, shall not affect the powers, duties, or liabilities of the county council as respects the area of that borough, nor exempt the parishes in the borough from being assessed to county contributions for any purpose to which such parishes were previously liable to be assessed, and shall not confer or impose on the mayor, aldermen, and burgesses, or the council of such borough, any powers, duties, or liabilities further than such as are necessary for establishing and maintaining the court of quarter sessions in the borough.

Application of Act to quarter sessions boroughs hereafter created.

38. Where a borough having a separate court of quarter sessions contained according to the census of one thousand eight hundred and eighty-one a population of less than ten thousand, the following provisions shall after the appointed day apply :—

Application of Act to smaller quarter sessions boroughs with population under 10,000.

(1.) There shall be transferred to the county council the powers, duties and liabilities of the council and justices of the borough as regards the provision, enlargement, maintenance, management, and visitation of and other dealing with asylums for pauper lunatics :

(2.) There shall be transferred to the county council the powers, duties, and liabilities of the council of the borough—

(a.) as regards coroners ; and

(b.) as regards the appointment of analysts under the Acts relating to the sale of food and drugs ; and

(c.) under the Acts relating to—

(i.) reformatory and industrial schools ; and

(ii.) fish conservancy ; and

(iii.) explosives ; and

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(d.) under the Highways and Locomotives (Amendment) Act, 1878 ;

Provided that the transfer by this section—

(a.) shall be subject to the provisions in this Act for the protection of existing officers and the continuance of existing contracts ; and

(b.) shall not, save as respects the coroners, affect the powers, duties, and liabilities of the council of the borough under the Municipal Corporations Act, 1882 :

(3.) The borough shall be an urban sanitary district within the meaning of the Highways and Locomotives (Amendment) Act, 1878 :

(4.) The council of the borough may within two years after the passing of this Act, apply to the county council to declare such roads in the borough as are mentioned in the application to be main roads within the meaning of the Highways and Locomotives (Amendment) Act, 1878, and the county council shall consider such application, and inquire whether such roads are, or ought to be, main roads within the meaning of the said Act, and shall make or refuse the declaration accordingly, and if the county council refuse the declaration, the council of the borough may, within a reasonable time after such refusal, apply to the Local Government Board, and that Board, after a local inquiry, shall have power, if they think it just so to do, to make the said declaration, which shall have the same effect as if it had been made by the county council :

(5.) The area of the borough shall for the purposes of the above-mentioned Acts and all other administrative purposes of the county council be included in the county, as if the borough had not a separate court of quarter sessions, and accordingly shall be subject to the authority of the county council and the county coroners, and may be annexed by the county council to a coroner's district of the county, and the parishes in the borough shall be liable to be assessed to all county contributions :

(6.) Any property, debts, or liabilities of the county or of any borough affected by this or the next succeeding section (including the charge to be made for lunatics which but for this Act would have been maintainable by the borough) may be adjusted in manner provided by Part Three of this Act :

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(7.) It shall be lawful for Her Majesty the Queen, on petition from the council of any borough to which this or the next succeeding section applies, by Order in Council, to revoke the grant of a court of quarter sessions to the borough, and by letters patent to revoke the grant of a commission of the peace for the borough, and to make such provision as to Her Majesty seems proper for the protection of interests existing at the date of the revocation, and after the date of the revocation all enactments and laws relating to courts of quarter sessions and justices and their jurisdiction shall apply, as if such court of quarter sessions or commission of the peace, as the case may be, did not exist : A.D. 1888.

(8.) A borough which is a county of a city or a county of a town shall, for the purposes of this and the next succeeding section, and if Her Majesty revokes the grant of a court of quarter sessions or a commission of the peace to such borough, then also for all purposes of quarter sessions and justices, be deemed to be situate in and form part of the county of which it forms part for the purpose of parliamentary elections :

(9.) Where this section applies to a cinque port it shall apply also to all the members thereof, and those members when not situate in a quarter sessions borough shall form part of the county for all purposes.

**39.—**(1.) Where a borough, whether with or without a separate court of quarter sessions, contained according to the census of one thousand eight hundred and eighty-one a population of less than ten thousand, then after the appointed day all powers, duties, and liabilities of the mayor, aldermen, and burgesses, or council of the borough, or the watch committee of the borough in relation—

- (a.) to the police force of the borough, or
- (b.) to the appointment of analysts under the Acts relating to the sale of foods and drugs, or
- (c.) to the execution of the Contagious Diseases (Animals) Acts, 1878 to 1886, or the Destructive Insects Act, 1877, or
- (d.) to gas meters, or
- (e.) to weights and measures, if the council exercise any jurisdiction in relation thereto,

shall cease, and, subject to the provisions of this Act as to the members of the police force holding office on the said day, the area

Application of Act to all boroughs with population under 10,000.

41 & 42 Vict. c. 74.  
47 & 48 Vict. cc. 13, 47.  
49 & 50 Vict. c. 32.  
40 & 41 Vict. c. 68.



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A.D. 1888. of the borough shall for all purposes of the Acts relating to the county police force, or other matters above in this section mentioned, form part of the county in like manner as if it were not a borough ;

(2.) Provided that nothing in this section shall transfer to the county council any powers, duties, or liabilities under section thirty-four of the Contagious Diseases (Animals) Act, 1878, as amended by section nine of the Contagious Diseases (Animals) Act, 1886.

41 & 42 Vict.  
c. 74.  
49 & 50 Vict.  
c. 32.

(3.) The urban authority for any borough or town with such population as above in this section mentioned shall cease to be the local authority under the Acts relating to explosives, and the county council shall have the like authority under the said Acts in the said borough or town as they have in the rest of their county.

*Application of Act to Metropolis.*

Application  
of Act to  
Metropolis  
as county of  
London.

40. In the application of this Act to the Metropolis, the following provisions shall have effect :—

- (1.) The Metropolis shall, on and after the appointed day, be an administrative county for the purposes of this Act by the name of the administrative county of London.
- (2.) Such portion of the administrative county of London as forms part of the counties of Middlesex, Surrey, and Kent, shall on and after the appointed day be severed from those counties, and form a separate county for all non-administrative purposes by the name of the county of London ; and it shall be lawful for Her Majesty the Queen to appoint a sheriff of that county, and to grant a commission of the peace and court of quarter sessions to that county ; and, subject to the provisions of this Act, all enactments, laws, and usages with respect to counties in England and Wales, and to sheriffs, justices, and quarter sessions shall, so far as circumstances admit, apply to the county of London :
- (3.) Provided that, for the purpose of the jurisdiction of the justices under such commission, and of such court, as well as other non-administrative purposes, the county of the city of London shall continue a separate county, but if and when the mayor, commonalty, and citizens of the city assent to jurisdiction being conferred therein on such justices and court



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may by commission under the Great Seal be made subject to A.D. 1888.  
the jurisdiction thereof.

- (4.) The number of the county councillors for the administrative county of London, shall be double the number of members which at the passing of this Act, the parliamentary boroughs in the metropolis are authorised by law to return to serve in Parliament; and each such borough, or if it is divided into divisions, each division thereof, shall be an electoral division for the purposes of this Act, and the number of county councillors elected for each such electoral division, shall be double the number of members of Parliament which such borough or division is at the passing of this Act entitled to return to serve in Parliament:
- (5.) Provided that the number of county aldermen in the administrative county of London, shall not exceed one-sixth of the whole number of county councillors.
- (6.) The provisions of this Act with respect to the powers, duties, and liabilities of county councils, and the transfer of property, debts, and liabilities of counties to county councils, shall apply to the administrative county of London in like manner, so nearly as circumstances admit, as if the quarter sessions, justices, and clerks of the peace of the counties of Middlesex, Surrey, and Kent had been, so far as regards the metropolis, the quarter sessions, justices, and clerk of the peace for the administrative county of London:
- (7.) Provided that any property, debts, or liabilities of the county of Kent shall not, by reason only of this enactment, be vested in the county council of London, but such property, debts, and liabilities, and also the property, debts, and liabilities of the counties of Middlesex and Surrey, shall be apportioned between the portions of those counties situate within the Metropolis and the portions situate outside the Metropolis in such manner as may be determined by agreement between the respective county councils, or in default of agreement by the Commissioners under this Act, and the property, debts, and liabilities apportioned to the portions within the Metropolis shall be the property, debts, and liabilities of the whole of the administrative county of London.
- (8.) There shall also be transferred to the London county council the powers, duties, and liabilities of the Metropolitan Board

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of Works, and after the appointed day that board shall cease to exist, and the property, debts, and liabilities thereof shall be transferred to the London county council, and that council shall be in law the successors of the Metropolitan Board of Works.

- (9.) If the London county council borrow for the purposes of this Act they shall borrow in accordance with the provisions of the Acts relating to the Metropolitan Board of Works, but save as aforesaid Part Four of this Act shall apply to the London county council when acting as successors of the Metropolitan Board of Works, and the costs incurred when so acting shall be paid out of the county fund, and the payment thereof shall be a general county purpose.

Position of  
city of  
London, and  
application  
of Highway  
Acts.

41.—(1.) Of the powers, duties, and liabilities of the court of quarter sessions and justices of the city of London—

(a.) such of them as would, if the city were a quarter sessions borough, with a population exceeding ten thousand, be exercised by virtue of this or any other Act by the council of the borough, shall be transferred to the mayor, commonalty, and citizens of the city acting by the council (in this Act referred to as the common council); and

(b.) such of them as would, in the said case, be by virtue of this Act exercised and discharged by the county council shall cease, and the county council shall, subject to the provisions of this Act, have those powers, duties, and liabilities within the city of London in like manner as within the rest of the administrative county of London.

(2.) The provisions of this Act with respect to the transfer to a county council shall apply with the necessary modifications to such transfer to the common council, and the common council shall be entitled to receive from the London county council in respect of each pauper lunatic, the same amount as is required by this Act to be paid by any other county council to the council of a borough.

(3.) Where at the passing of this Act the Metropolitan Board of Works or the quarter sessions of Middlesex are authorised to incur costs for any purpose, and the common council of the city are not liable to contribute to such costs, the parishes in the city of London shall not, save as in this Act expressly mentioned, be liable to be assessed to county contributions in respect of costs incurred by the county council for such purpose, but this exemption shall

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not extend to any costs incurred for the purpose of any powers, duties, or liabilities of the quarter sessions or justices of the city of London, which will be exercised and discharged by the London county council. A.D. 1888.

(4.) The provisions of the Highways and Locomotives (Amendment) Act, 1878, with respect to main roads, as amended by this Act, shall extend to the Metropolis in like manner as if the expression "urban sanitary district" in that Act included, as respects the Metropolis, the city of London, and a parish in Schedule A., and a district in Schedule B. of the Metropolis Management Act, 1855, as amended by subsequent Acts, and as if the Commissioners of Sewers, or vestry, or district board (as the case may be) were the urban sanitary authority: Provided that— 41 & 42 Vict.  
c. 77.

(a.) in the city of London the common council shall have the power under the Highways and Locomotives (Amendment) Act, 1878, of making byelaws respecting locomotives, and authorising locomotives to be used on any road within the city, save that if any difference is made by such byelaws or authority between any main road maintained by the county council and the other roads in the city, such authority and byelaws shall require the approval of the county council; and 18 & 19 Vict.  
c. 120.

(b.) the common council in the city of London, and in any other part of the Metropolis, the vestry, or district board, shall be deemed to be a district council and an urban authority within the meaning of the provisions of this Act with respect to main roads, and may accordingly claim to retain the power of maintaining and repairing a main road, and in such case shall have all such powers and duties of maintaining, repairing, improving and enlarging, and otherwise dealing with the main road as they would have if it were an ordinary highway repairable by them, and such powers and duties shall in the city of London be discharged by the Commissioners of Sewers.

(5.) The payment of the costs of assizes and sessions shall be a general county purpose for which the parishes in the city may be assessed to county contributions, and all such costs of prosecutions in the city as are by law payable out of the county rate shall be paid out of the county fund.

(6.) The county councillors elected for the city, shall not act or vote in respect of any question arising before the county council as

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A.D. 1888. — regards matters involving expenditure on account of which the parishes in the city are not for the time being liable to be assessed equally with the rest of the administrative county to county contributions.

(7.) The London county council, and the common council of the city of London may agree for the cessation in whole or in part of any exemption under this section from assessment, in consideration either of payment by the county council of a capital sum, or of an annual payment, or of a transfer of property or liabilities, or of the county council undertaking, in substitution for the common council, any powers or duties, or partly for one consideration and partly for another, or in any other manner, according as may be determined.

(8.) The sheriffs of the city of London shall not have any authority except in the city.

42.—(1.) If the London county council petitions Her Majesty the Queen in that behalf, it shall be lawful for Her Majesty from time to time to appoint a barrister of not less than ten years' standing to be paid chairman or deputy chairman, or one of the paid deputy chairmen, as the case may be, of the quarter sessions for the county of London.

(2.) Any person so appointed shall hold office during good behaviour, and shall by virtue of his office be a justice of the peace for the county of London.

(3.) There shall be paid to him out of the county fund as a general county purpose such yearly salary, not exceeding that stated in the petition in consequence of which the appointment was made, as Her Majesty directs.

(4.) Such chairman or deputy chairman shall not, during his office, be eligible to serve in Parliament, and shall not during his continuance in office practise as a barrister.

(5.) Where there is any such paid chairman or deputy chairman of the quarter sessions, the court may be held before such chairman or deputy chairman alone.

(6.) Separate courts of quarter sessions may be held at different parts of the county of London at the same time if so directed by the county council with the approval of a Secretary of State, and every court of general sessions of the peace for the county of London and every adjournment thereof shall have the same jurisdiction in all respects, including the power of hearing and determining appeals, as if such court were quarter sessions.

Arrange-  
ments for  
paid chair-  
man and  
sitting of  
quarter  
sessions  
for London.



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(7.) The London county council may from time to time submit to a Secretary of State a scheme for regulating the holding of courts of quarter sessions in London either at any one place or at different places, and in the latter case either at the same time or at different times, and for determining the legal character of each sessions so held, that is to say, whether quarter, general, original, or adjourned sessions, or otherwise, and for making such regulations respecting committals for trial, recognisances, depositions, and other matters as are necessary or proper for giving effect to the scheme, and such scheme, when approved by a Secretary of State, shall be published in the London Gazette, and thereupon shall have effect as if it were enacted in this Act. A.D. 1888.

(8.) Until the quarter sessions for the county of London constitute special sessional divisions, every petty sessional division of the counties of Middlesex, Surrey, and Kent existing at the appointed day, or so much of such division as is situate in the county of London, shall form a special or petty sessional division of the county of London.

(9.) Where any special or petty sessional division of the counties of Middlesex, Surrey, and Kent, existing at the appointed day, is situate partly within and partly without the county of London, so much thereof as is situate without the said county shall, until any alteration is made by the quarter sessions for the county of Middlesex, Surrey, or Kent, as the case may be, be a special or petty sessional division of that county.

(10.) The quarter sessions for the county of London shall be substituted for the general assessment sessions under the Valuation (Metropolis) Act, 1869, and have all the jurisdiction vested in those sessions, and shall exercise the same within the same area. Upon the hearing of any appeals in relation to property in the city of London, such two members of the court of quarter sessions of the city of London as may be appointed by that court for the purpose, shall be entitled to attend and sit as members of the quarter sessions for the county of London. 32 & 33 Vict.  
c. 67.

(11.) The enactments respecting the times for holding sessions of the peace for the county of Middlesex, and the appointment and payment of any assistant judge or deputy assistant judge, or of a person to preside in a second court at any sessions in the county of Middlesex, shall cease to apply to the county of Middlesex. 7 & 8 Vict.  
c. 71.  
22 & 23 Vict.  
c. 4.  
37 & 38 Vict.  
c. 7.



*Part II.—Application of Act to Boroughs, the Metropolis, and certain Special Counties.*

A.D. 1888.

(12.) Quarter sessions for the counties of Middlesex, Surrey, and Kent respectively may be held, and the justices of each of those counties may hold special and petty sessions for any division of such county, and appoint a petty sessional or occasional court house, at any place in the county of London, and for all purposes relating to such sessions or any business transacted at such court house, such place shall be deemed to be within the county and division for which the justices holding the same are justices, but no jurors shall be summoned for such sessions from within the county of London.

(13.) Nothing in this Act shall alter the powers or duties of the justices, quarter sessions, recorder, or common serjeant of the city of London, further or otherwise than is expressly provided or than the powers and duties of the justices or quarter sessions of any county are altered.

(14.) Provided that from and after the appointed day the rights claimed by the court of common council to appoint to the offices of common serjeant, and judge of the City of London Court shall cease, and in any future vacancy in each of the said offices, it shall be lawful for Her Majesty the Queen to appoint a duly qualified barrister to be such common serjeant, or judge; and from and after the next vacancy no recorder shall exercise any judicial functions unless he is appointed by Her Majesty to exercise such functions.

**43.—(1.)** In the administrative county of London the county council:—

(a.) shall pay to the guardians for every poor law union wholly in the county such sums as the Local Government Board from time to time certify to be due from the said council in substitution for the local grants towards the remuneration of poor law medical officers, and towards the cost of drugs and medical appliances; and

(b.) shall grant to the guardians of every poor law union wholly in their county an amount equal to fourpence a day per head for every indoor pauper maintained in that union, and such grant, during the five local financial years beginning on the appointed day, shall be reckoned according to the average number of indoor paupers so maintained during the five financial years ending on the twenty-fifth day of March next before the passing of this Act, and shall, after the end of the said five local financial years, unless Parliament otherwise

Grant by  
London  
county  
council to  
poor law  
unions.

*Part II.—Application of Act to Boroughs, the Metropolis, and certain Special Counties.*

determine, continue to be reckoned in accordance with the same average number; and A.D. 1888.

(c.) shall pay to the guardians of every poor law union, a portion of which only is situate in their county, such proportion of the annual sum which is, under the other provisions of this Act, payable by the county council of a county to the guardians of that union, as the rateable value of the portion within the administrative county of London bears to the rest of the union.

(2.) For the purposes of this section the expression "indoor pauper" includes all paupers maintained in a workhouse, and all paupers maintained in any district school, separate school, separate infirmary, sick asylum, hospital for infectious diseases, or institution for the deaf, dumb, blind, or idiots, or in any certified school under the Act of the session of the twenty-fifth and twenty-sixth years of the reign of Her Majesty, chapter forty-three, and includes any children boarded out, whether within or without the limits of the union, and in the metropolitan asylum district includes all inmates of any asylum for imbeciles provided by the managers of that district, but excludes paupers relieved in casual wards, and such number of indoor paupers in a workhouse or in a district or separate school or in a separate infirmary or asylum, as exceeded the number prescribed by the Local Government Board for that workhouse, school, infirmary or asylum, and also excludes paupers maintained for part only of a day: Provided always, that any paupers maintained under any contract or agreement in a workhouse other than that of the union to which they are chargeable, shall be included only in the number of indoor paupers of the union to which they are so chargeable.

(3.) The average number of paupers shall be estimated in such manner as the Local Government Board direct, and shall be certified by the Board. The Board may, if they think proper, vary their certificate, but unless it is so varied, their certificate shall be conclusive.

44. On and after the appointed day all powers and duties of the clerk to the managers of the metropolitan asylums district under the Valuation (Metropolis) Act, 1869, shall be transferred to the clerk of the county council of London, and the said Act shall be construed as if the county council were substituted therein for the managers of the metropolitan asylums district.

Transfer of duties under 32 & 33 Vict. c. 67 of clerk of metropolitan asylum managers.

*Part II.—Application of Act to Boroughs, the Metropolis, and certain Special Counties.*

A.D. 1888.

Adjustment of law as to slaughter-houses in the metropolis.

45. On and after the appointed day, the powers, duties, and liabilities of justices out of session in the Metropolis, in relation to the licensing of slaughter-houses for the purpose of the slaughtering of cattle for butchers meat, and of cow-houses and places for the keeping of cows, shall be transferred to the county council of London.

*Application of Act to Special Counties and to Liberties.*

Application of Act to certain special counties.

28 &amp; 29 Vict. c. 37.

46. For the purposes of this Act there shall be enacted the provisions following; that is to say,

- (1.)—(a.) The ridings of Yorkshire and the divisions of Lincolnshire shall respectively be separate administrative counties.
- (b.) The eastern and western divisions of Sussex, under the County of Sussex Act, 1865, and the eastern and western divisions of Suffolk, shall respectively be separate administrative counties for the purposes of this Act.
- (c.) The Isle of Ely, and the residue of the county of Cambridge, shall be respectively separate administrative counties for the purposes of this Act, and are in this Act referred to as divisions of the county of Cambridge.
- (d.) The soke of Peterborough and the residue of the county of Northampton shall be respectively separate administrative counties for the purposes of this Act, and are in this Act referred to as divisions of the county of Northampton.
- (2.)—(a.) In the case of the county of York and the county of Lincoln respectively, the administrative business which would, if this Act had not passed, have been transacted by the justices of all the ridings and divisions at their gaol sessions, or by any joint committee of the justices of such ridings or divisions, or by any commissioners appointed by the justices, or otherwise jointly by such justices, shall be transacted by a joint committee of the county councils of the three ridings or three divisions, as the case may be, appointed in manner provided by this Act with respect to joint committees of county councils.
- (b.) The administrative business which would, if this Act had not passed, have been transacted by any general sessions of the peace for the county of Sussex or Suffolk, or by any joint action of the quarter sessions of the divisions of the county

*Part II.—Application of Act to Boroughs, the Metropolis, and certain Special Counties.*

of Cambridge, or the county of Northampton, and all matters under this Act which concern the two divisions of Sussex, Suffolk, Cambridge or Northampton jointly, shall be transacted by a joint committee of the respective county councils concerned, appointed in manner provided by this Act with respect to joint committees of county councils.

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- (c.)<sup>2</sup> A joint committee formed in pursuance of this section shall, if the business transacted by them so require, comprise a joint committee of the quarter sessions of the several ridings and divisions.
- (d.) If any difference arises as to the number of members, or the mode or time of appointing a joint committee under this section, the difference shall be determined by a Secretary of State.
- (3.) A joint committee formed in pursuance of this section shall, in respect of the business to be transacted by them, stand in the same position as if the entire county were not divided for the purposes of county councils, and as if the committee were the county council of the entire county, and the provisions of this Act shall, so nearly as circumstances admit, apply accordingly, and all costs or sums payable by the joint committee shall be apportioned by the joint committee between the several administrative counties in such manner as is provided by law, or by the practice heretofore adopted, or in such other manner as may be from time to time agreed upon by the councils of the several administrative counties, or in default of agreement may, upon the application of any of such councils, be determined by arbitration in manner provided by this Act; and each county council shall pay the sum so apportioned to the treasurer of the joint committee, and the sum so paid shall be deemed to be paid for general county purposes.
- (4.) The powers, duties, and liabilities of the county authority, under the Yorkshire Registries Act, 1884, and the Acts amending the same, shall, after the appointed day, be transferred to the county council, and the expression "county authority," in those Acts shall mean, as respects each riding, the county council of that riding.
- (5.) In the application of this Act to Lancashire, the provisions of this Act with respect to county rates shall apply to the special rates levied in Lancashire for the purposes of the salary or pension of any chairman of quarter sessions or



*Part II.—Application of Act to Boroughs, the Metropolis, and certain Special Counties.*

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stipendiary justice, or for any assize courts, and such rates shall continue to be levied within the respective areas within which they would have been levied if this Act had not passed, and, subject as aforesaid, the position and salary of any such chairman or justice shall not be affected by any provision of this Act.

(6.) From and after the appointed day the right of the mayor, commonalty, and citizens of the city of London to elect the sheriff of Middlesex shall cease, and it shall be lawful for Her Majesty the Queen to appoint a sheriff of the county of Middlesex, and the law relating to sheriffs shall apply in the case of the county of Middlesex in like manner as in the case of any other county.

(7.) In this section “administrative business” means such business as is by this Act transferred from quarter sessions or justices, or any committee thereof, to county councils.

Saving for  
Manchester  
Assize  
Courts Act,  
1858,  
21 & 22 Vict.  
c. xxiv.

47.—(1.) Notwithstanding anything in this Act, the courts of assize at Manchester, with the lodgings for Her Majesty’s judges, offices, lockups, and all other property vested in the justices of the peace of the county palatine of Lancaster by the Manchester Assize Courts Act, 1858, shall be vested in the county council of the said county palatine, and shall be under the control and management of a joint committee of members of the said county council, and of the council of every county borough locally situate in the hundred of Salford; and that joint committee shall have and exercise all such powers and rights (except the power of levying, imposing, or assessing a rate or of borrowing money) as are conferred on the said justices by the said Act; and the hundred of Salford (including every borough locally situate therein) shall continue liable to contribute towards expenses incurred under the authority of the said Act.

(2.) The number of members of a joint committee appointed for the purposes of this section shall not exceed twelve, and the quorum requisite for the transaction of business shall be three.

(3.) Any disagreement as to the number of members of the committee or as to the proportions in which the several councils are to be represented thereon, shall be settled by a Secretary of State.

Merger of  
liberties in  
county.

48.—(1.) For all purposes of this Act, every liberty and franchise of a county, wholly or partly exempt from contribution



*Part II.—Application of Act to Boroughs, the Metropolis, and certain Special Counties.*

to the county rate, shall, save as may be otherwise provided by or in pursuance of this Act, form part of the county of which it forms part for the purposes of parliamentary elections. A.D. 1888.

(2.) The provisions of this Act with respect to the transfer to the county council of the powers, duties, and liabilities of the quarter sessions and justices of a county, and of their property, debts, and liabilities, whether vested in or attaching to the clerk of the peace or any justice or justices or otherwise on behalf of the county, shall apply to every such liberty and franchise as above mentioned in like manner in all respects as if they were herein re-enacted and in terms made applicable to such liberty and franchise; and the county council shall have and exercise in every such liberty and franchise the powers and duties transferred to them by this Act from the quarter sessions and justices of the county;

(3.) Provided that where at the passing of this Act the police force in such liberty or franchise is under the control of the quarter sessions for such liberty or franchise, there shall be one police force for the whole administrative county under the county council, and the quarter sessions of such liberty or franchise shall appoint such number of the members of the standing joint committee under this Act as may be agreed upon by the county council, the quarter sessions of the county, and the quarter sessions of the liberty or franchise, or in default of agreement may be determined by a Secretary of State.

(4.) The Cinque Ports and two ancient towns and their members shall for all purposes of the county council and of the powers and duties of quarter sessions and justices out of sessions under this Act form part of the county in which they are respectively situate without prejudice nevertheless to the position of any such port, town, or member as a quarter sessions borough under the Municipal Corporations Act, 1882, as amended by this Act, and without prejudice to the existing privileges of such ports, towns, and members as respects matters which are not affected by this Act.

45 & 46 Vict.  
c. 50.

49.—(1.) It shall be lawful for the Local Government Board to make a Provisional Order for regulating the application of this Act to the Scilly Islands, and for providing for the exercise and performance in those islands of the powers and duties both of county councils and also of authorities under the Acts relating to highways and the Public Health Act, 1875, and the Acts amending the same, and for the application to the islands of any provisions

Power to  
make Pro-  
visional  
Order for  
Scilly  
Islands.

*Part II.—Application of Act to Boroughs, the Metropolis, and certain Special Counties.*

A.D. 1888. — of any Act touching local government, and any such Order may provide for the establishment of councils and other local authorities separate from those in the county of Cornwall, and for the contribution by the Scilly Islands to the county council of Cornwall in respect of costs incurred by the county council for matters specified in the said Order as benefiting the Scilly Islands, and such Order may also provide for all matters which appear to the Local Government Board necessary or proper for carrying the Order into full effect.

(2.) Any such Order shall not be in force until it is confirmed by Parliament.

(3.) Subject to the provisions of a Provisional Order under this Act, the county council of Cornwall shall have no greater powers or duties in the Scilly Islands than the quarter sessions of Cornwall have hitherto in fact exercised or performed therein, and the Scilly Islands shall not be included for the purposes of this Act in any electoral division of the county of Cornwall.

PART III.

*Boundaries.*

Boundary of  
county for  
first election.

50.—(1.) The first council elected under this Act for any administrative county shall, subject as herein-after mentioned, be elected for the county at large as bounded at the passing of this Act for the purpose of the election of members to serve in Parliament for the county: Provided always, that—

(a.) This enactment shall not apply to the boundary between two administrative counties which are portions of one entire county, and in case of those administrative counties, the boundary between the portions, as existing for the purposes of county rate, shall, subject to any change made by or in pursuance of this Act, be the boundary of the administrative county for which the council is elected; and,

(b.) Where any urban sanitary district is situate partly within and partly without the boundary of such county, the district shall be deemed to be within that county which contains the largest portion of the population of the district, according to the census of one thousand eight hundred and eighty-one.

*Part III.—Boundaries.*

(c.) Where any portion of an administrative county has before the passing of this Act been transferred to another administrative county for the purposes of the Acts relating to the police or Contagious Diseases (Animals) or otherwise, nothing in this Act shall affect such transfer. A.D. 1888.

(d.) The wapentake of the ainsty of York (except so much as is included in the municipal borough of York as extended by the York Extension and Improvement Act, 1884) shall for all purposes of this Act be deemed to be part of the west riding of the county of York. 47 & 48 Vict.  
c. cxxxii.

(2.) The county council elected under this Act shall have for the purposes of this Act authority throughout the administrative county for which it is elected, and the administrative county as bounded for the purpose of the election shall, subject to alterations made in manner herein-after mentioned, be for all the purposes of this Act the county of such county council.

(3.) If any difference arises as to the county which contains the largest portion of the population of any such district as above in this section mentioned, such difference shall be referred to the Local Government Board, whose decision shall be final.

(4.) This section applies to an administrative county within the meaning of this Act, save that it shall not apply to the administrative county of London, nor to any county borough, and any place which, though forming part of any such borough for the purposes of the election of members to serve in Parliament, is not within the municipal boundary of such borough shall, notwithstanding anything in the foregoing provisions of this section, form, for the purposes of this section, part of the county in which such place is situate.

**51.** In the constitution of electoral divisions of a county, whether for the first election or for subsequent elections, the following directions shall be observed— Directions  
for constitution  
of  
electoral  
divisions.

(1.) The divisions shall be arranged with a view to the population of each division being, so nearly as conveniently may be, equal, regard being had to a proper representation both of the rural and of the urban population, and to the distribution and pursuits of such population, and to area, and to the last published census for the time being, and to evidence of any considerable change of population since such census;

(2.) Electoral divisions shall, so far as may be reasonably practicable, be framed so that every division shall be a county

A.D. 1888.

district or ward, or a combination of county districts or wards, or be comprised in one county district or ward, but where an electoral division is a portion of a county district or ward, and such portion has not a defined area for which a separate list or part of a list of voters is made under the Acts relating to the registration of electors, such portion shall, until a new register of electors is made, continue to be part of the district or ward of which it has been treated as being part in the then current register of electors ;

- (3.) Whenever under the provisions of this section a county district is divided into two or more portions, every such portion shall, as far as possible, consist of an entire parish or of a combination of entire parishes ;
- (4.) In determining the electoral divisions for the first election, the foregoing provisions shall apply as if, where a rural sanitary district is situate in more than one county, each portion of the district which is situate in the same county were a county district, and any such portion may be combined with a county district, or portion of a county district, although not adjoining ;
- (5.) The electoral divisions for the first election shall be fixed on or before the eighth day of November next after the passing of this Act.

Provisional  
order as  
respects  
boroughs and  
urban sani-  
tary districts  
in same area.

**52.—(1.)** The Local Government Board shall make provisional orders for dealing with every case where the council of a borough is not the urban sanitary authority for the whole of the area of such borough, and the area of the borough is either co-extensive with or is wholly or partly comprised in any urban sanitary district, and such order shall determine whether the area of the borough or of the sanitary district, or an area comprising both the borough and the urban sanitary district, or a portion of such united area, shall, whether with or without any adjoining area, be the area of the county district for the purposes of this Act, so, however, that in either case the order shall provide for the council of the borough becoming the district council, and the order may for that purpose alter the boundaries of the borough, and may, if need be, alter the boundaries of the county ; and if the population exceeds fifty thousand, the order may constitute the borough into a county borough, and make such provision as may be necessary for carrying this Act into effect as respect such county borough ; and the provisions of this Act respecting county boroughs shall, subject to the provisions of the order, apply.



(2.) Where certain members of the sanitary authority for any such urban sanitary district are appointed by a university or any colleges therein, the order may provide for the appointment by such university or colleges of members on the district council.

(3.) A provisional order under this section shall not be of any effect until it is confirmed by Parliament.

**53.—**(1.) Every report made by the Boundary Commissioners under the Local Government (Boundaries) Act, 1887, shall be laid before the council of any administrative county or county borough affected by that report.

A.D. 1888.  
—  
Consideration of alterations of boundaries by county councils.

(2.) It shall be the duty of the council to take into consideration such report, and to make such representations to the Local Government Board as they think expedient for adjusting the boundaries of their county, and of other areas of local government partly situate in their county, with a view of securing that no such area shall be situate in more than one county.

**54.—**(1.) Whenever it is represented by the council of any county or borough to the Local Government Board—

Future alterations of boundaries.

(a) that the alteration of the boundary of any county or borough is desirable; or

(b) that the union, for all or any of the purposes of this Act, of a county borough with a county is desirable; or

(c) that the union, for all or any of the purposes of this Act, of any counties or boroughs or the division of any county is desirable; or

(d) that it is desirable to constitute any borough having a population of not less than fifty thousand into a county borough; or

(e) that the alteration of the boundary of any electoral division of a county, or of the number of county councillors and electoral divisions in a county, is desirable; or

(f) that the alteration of any area of local government partly situate in their county or borough is desirable.

the Local Government Board shall, unless for special reasons they think that the representation ought not to be entertained, cause to be made a local inquiry, and may make an order for the proposal contained in such representation, or for such other proposal as they may deem expedient, or may refuse such order, and if they make the order may by such order divide or alter any electoral division.



A.D. 1888.

(2.) Provided that in default of such representation by the council of any county or borough before the first day of November one thousand eight hundred and eighty-nine, the Local Government Board may cause such local inquiry to be made, and thereupon may make such order as they may deem expedient.

(3.) Provided that if the order alters the boundary of a county or borough, or provides for the union of a county borough with a county, or for the union of any counties or boroughs, or for the division of any county, or for constituting a borough into a county borough, it shall be provisional only, and shall not have effect unless confirmed by Parliament.

(4.) Where such order alters the boundary of a borough, it may, as consequential upon such alteration, do all or any of the following things, increase or decrease the number of the wards in the borough, and alter the boundaries of such wards, and alter the apportionment of the number of councillors among the wards, and alter the total number of councillors, and in such case, make the proportionate alteration in the number of aldermen.

(5.) At any time before the appointed day, the Local Government Board may make an order in pursuance of this section without any such representation as in this section mentioned.

Contents of  
provisional  
order amal-  
gamating  
two county  
boroughs.

**55.**—(1.) Where the Local Government Board make a Provisional Order for uniting two county boroughs, such Order may make them one borough and one county for the purposes of this Act.

(2.) Such Order, and also any other Order under this Act for uniting boroughs, whether county boroughs or not, may also contain such provisions as may seem necessary or proper for regulating the division of the combined borough into wards, the number of councillors to be elected for each ward, and the first election of the council of the combined borough, and for providing for the clerks of the peace, coroners, town clerks, and officers of the boroughs, and the application to them of the provisions of this Act as to existing officers, and for providing for all matters incidental to or consequential on the union of the boroughs.

(3.) When any such Provisional Order is confirmed, it shall be lawful for Her Majesty to grant a commission of the peace and court of quarter sessions to the combined borough in like manner as to any other borough under the Municipal Corporations Act, 1882, and the Provisional Order may contain such provisions as appear necessary or proper for regulating all matters incidental to such

*Part III.—Boundaries.*

grant, and to the changes caused by the union of the boroughs in matters connected with such commission or court or otherwise with the administration of justice. A.D. 1888.

56. Where a petition is presented to Her Majesty the Queen by the inhabitant householders of any town or towns or district, in pursuance of the Municipal Corporations Act, 1882, for the grant of a charter of incorporation, notice of such petition shall be given to the county council of the county in which such town, towns, or district is or are situate, and shall also be sent to the Local Government Board, and the Privy Council shall consider any representations made by such county council or the Local Government Board, together with the petition for such charter. Procedure for charter of new borough.

57.—(1.) Whenever a county council is satisfied that a *prima facie* case is made out as respects any county district not a borough, or as respects any parish, for a proposal for all or any of the following things; that is to say—

- (a) the alteration or definition of the boundary thereof;
- (b) the division thereof or the union thereof with any other such district or districts, parish or parishes, or the transfer of part of a parish to another parish;
- (c) the conversion of any such district or part thereof, if it is a rural district, into an urban district, and if it is an urban district, into a rural district, or the transfer of the whole or any part of any such district from one district to another, and the formation of new urban or rural districts;
- (d) the division of an urban district into wards; and
- (e) the alteration of the number of wards, or of the boundaries of any ward, or of the number of members of any district council, or of the apportionment of such members among the wards,

the county council may cause such inquiry to be made in the locality, and such notice to be given, both in the locality, and to the Local Government Board, Education Department, or other Government department as may be prescribed, and such other inquiry and notices (if any) as they think fit, and if satisfied that such proposal is desirable, may make an order for the same accordingly.

(2.) Notice of the provisions of the order shall be given, and copies thereof shall be supplied in the prescribed manner, and otherwise as the county council think fit, and if it relates to the

A.D. 1888.

division of a district into wards, or the alteration of the number of wards or of the boundaries of a ward, or of the number of the members of a district council, or of the apportionment of the members among the wards, shall come into operation upon being finally approved by the county council.

(3.) In any other case the order shall be submitted to the Local Government Board; and if within three months after such notice of the provisions of the order as the Local Government Board determine to be the first notice, the council of any district affected by the order, or any number of county electors registered in that district or in any ward of that district, not being less than one sixth of the total number of electors in that district or ward, or if the order relates only to a parish, any number of county electors registered in that parish, not being less than one sixth of the total number of electors in that parish, petition the Local Government Board to disallow the order, the Local Government Board shall cause to be made a local inquiry, and determine whether the order is to be confirmed or not.

(4.) If any such petition is not presented, or being presented is withdrawn, the Local Government Board shall confirm the order.

(5.) The Local Government Board, on confirming an order, may make such modifications therein as they consider necessary for carrying into effect the objects of the order.

(6.) An order under this section, when confirmed by the Local Government Board, shall be forthwith laid upon the table of both Houses of Parliament, if Parliament be then sitting, and, if not, forthwith after the then next meeting of Parliament.

(7.) This section shall be in addition to, and not in derogation of, any power of the Local Government Board in respect of the union or division or alteration of parishes.

Additional  
power of  
Local  
Government  
Board as to  
unions.

58. The Local Government Board, where it appears expedient so to do with reference to any poor law union which is situate in more than one county instead of dissolving the union may by order provide that the same shall continue to be one union for the purposes of indoor paupers or any of those purposes, and shall be divided into two or more poor law unions for the purpose of outdoor relief, and may by the order make such provisions as seem expedient for determining all other matters in relation to which such union is to be one union or two or more unions.

59.—(1.) A scheme or order under this Act may make such administrative and judicial arrangements incidental to or consequential on any alteration of boundaries, authorities, or other matters made by the scheme or order as may seem expedient.

A.D. 1888.  
 Supple-  
 mental pro-  
 visions as to  
 alteration  
 of areas.

(2.) A place which is part of an administrative county for the purposes of this Act shall, subject as in this Act mentioned, form part of that county for all purposes, whether sheriff, lieutenant, custos rotulorum, justices, militia, coroner, or other; Provided that—

(a.) Notwithstanding this enactment, each of the entire counties of York, Lincoln, Sussex, Suffolk, Northampton, and Cambridge shall continue to be one county for the said purposes so far as it is one county at the passing of this Act; and

(b.) This enactment shall not affect the existing powers or privileges of any city or borough as respects the sheriff, lieutenant, militia, justices, or coroner; but, if any county borough is, at the passing of this Act, a part of any county for any of the above purposes, nothing in this Act shall prevent the same from continuing to be part of that county for that purpose; and

(c.) This enactment shall not affect parliamentary elections nor the right to vote at the election of a member to serve in Parliament, nor land tax, tithes, or tithe rentcharge, nor the area within which any bishop, parson, or other ecclesiastical person has any cure of souls or jurisdiction.

(3.) For the purposes of parliamentary elections, and of the registration of voters for such elections, the sheriff, clerk of the peace, and council of the county in which any place is comprised at the passing of this Act for the purpose of parliamentary elections shall, save as otherwise provided by the scheme or order, or by the County Electors Act, 1888, or this Act, continue to have the same powers, duties, and liabilities as they would have had if no alteration of boundary had taken place.

51 & 52 Vict.  
 c. 10.

(4.) Any scheme or order made in pursuance of this Act may, so far as may seem necessary or proper for the purposes of the scheme or order, provide for all or any of the following matters, that is to say,—

(a) may provide for the abolition, restriction, or establishment, or extension of the jurisdiction of any local authority in or over any part of the area affected by the scheme or order, and for the adjustment or alteration of the boundaries of such area, and



A.D. 1888.  
—

- for the constitution of the local authorities therein, and may deal with the powers and duties of any council, local authorities, quarter sessions, justices of the peace, coroners, sheriff, lieutenant, custos rotulorum, clerk of the peace, and other officer therein, and with the costs of any such authorities, sessions, persons, or officers as aforesaid, and may determine the status of any such area as a component part of any larger area, and provide for the election of representatives in such area, and may extend to any altered area the provisions of any local Act which were previously in force in a portion of the area; and
- (b) may make temporary provision for meeting the debts and liabilities of the various authorities affected by the scheme or order, for the management of their property, and for regulating the duties, position, and remuneration of officers affected by the scheme or order, and applying to them the provisions of this Act as to existing officers; and
  - (c) may provide for the transfer of any writs, process, records, and documents relating to or to be executed in any part of the area affected by the scheme or order, and for determining questions arising from such transfer; and
  - (d) may provide for all matters which appear necessary or proper for bringing into operation and giving full effect to the scheme or order; and
  - (e) may adjust any property, debts, and liabilities affected by the scheme or order.

(5.) Where an alteration of boundaries of a county is made by this Act an order for any of the above-mentioned matters may, if it appears to the Local Government Board desirable, be made by that Board, but such order, if petitioned against by any council, sessions, or local authority affected thereby, within three months after notice of such order is given in accordance with this Act, shall be provisional only, unless the petition is withdrawn or the order is confirmed by Parliament.

(6.) A scheme or order may be made for amending any scheme or order previously made in pursuance of this Act, and may be made by the same authority and after the same procedure as the original scheme or order. Where a provision of this Act respecting a scheme or order requires the scheme or order to be laid before Parliament, or to be confirmed by Parliament, either in every case or if it is petitioned against, such scheme or order may amend any local and personal Act.



60. In every alteration of boundaries effected under the authority of this Act, care shall be taken that, so far as practicable, the boundaries of an area of local government shall not intersect the boundaries of any other area of local government.

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General provision as to alteration of boundaries.

61.—(1.) For the purposes of this Act the Right Honourable Edward Henry, Earl of Derby, the Right Honourable George John Shaw Lefevre, John Lloyd Wharton, Esquire, Francis Mowatt, Esquire, C.B., and Joseph J. Henley, Esquire, shall be appointed Commissioners.

Appointment of commissioners.

(2.) If a vacancy occurs in the office of any of the Commissioners by reason of death, resignation, incapacity, or otherwise, it shall be lawful for Her Majesty the Queen, under Her Royal Sign Manual, to appoint some other person to fill the vacancy, and so from time to time as often as occasion requires.

(3.) The Commissioners may from time to time, with the assent of the Treasury as to number, appoint or employ such number of officers and persons as they may think necessary for the purpose of the execution of their duties under this Act, and may remove any officer or person so appointed or employed.

(4.) There shall be paid to any officer or person appointed or employed under this section, such salaries or other remuneration as the Treasury may assign, and that remuneration and all expenses of the Commissioners, incurred with the sanction of the Treasury in the execution of this Act, shall be paid out of moneys provided by Parliament.

(5.) On holding any inquiry for the purposes of this Act, any Commissioner or officer of the Commissioners shall have the same powers as an inspector of the Local Government Board has on holding a local inquiry under the Public Health Act, 1875.

38 & 39 Vict.  
c. 55.

(6.) There shall be paid to the Commissioners by the councils of the counties and county boroughs whose financial relations are adjusted by the Commissioners in pursuance of this Act, such amounts as the Treasury may fix as necessary for the payment of the costs of such adjustment, including a proper share of the salaries and remuneration of the officers and persons appointed or employed by such Commissioners, and such amounts shall be paid into the Exchequer, and the amount so paid shall be included as part of the adjustment.

(7.) The authority of the Commissioners shall extend to the settlement and the determination by them, on such terms and in

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such manner as they, in their absolute discretion, think most just and fit, of the matters referred to them, and also of all such matters and questions as are, in their judgment, incident thereto or consequent thereon, to the end that their award or awards may effect a final settlement, and until a final settlement is made the authority of the Commissioners shall extend to determine the proportions in which payments are to be made to the councils of counties and county boroughs out of the Local Taxation Account, and all payments so made shall be taken into account in the making of the adjustment.

(8.) Every award, order, and other instrument made by or proceeding from the Commissioners, shall be binding and conclusive to and for all intents and purposes, and shall have the like effect as if it had been made by a judge of the High Court of Justice in England, and shall be acted on, obeyed, executed, and enforced by all sheriffs and other officers and persons accordingly. No such award, order, or other instrument shall be removable by any writ or process into any of Her Majesty's Courts, and the Commissioners proceedings or acts shall not be liable to be interfered with or questioned by or in any court, or elsewhere, by way of mandamus, prohibition, injunction, or otherwise.

(9.) The costs of and attending the inquiry and award shall be borne and paid by the parties out of the fund or rate applicable to their general expenses, in such proportions as the Commissioners may direct, and the Commissioners may order the taxation of any costs in such manner as they may see fit.

(10.) The powers of the Commissioners shall, unless continued by Parliament, cease on the last day of December one thousand eight hundred and ninety.

Adjustment  
of property  
and  
liabilities.

62.—(1.) Any councils and other authorities affected by this Act or by any scheme, order, or other thing made or done in pursuance of this Act, may from time to time make agreements for the purpose of adjusting any property, income, debts, liabilities, and expenses, so far as affected by this Act or such scheme, order, or thing, of the parties to the agreement, and the agreement and any other agreement authorised by this Act to be made for the purpose of the adjustment of any property, debts, liabilities, or financial relations, may provide for the transfer or retention of any property, debts, and liabilities, with or without any conditions, and for the joint use of any property, and for the transfer of any duties, and for payment by either party to the agreement in respect of

property, debts, duties, and liabilities so transferred or retained, or of such joint user, and in respect of the salary, remuneration, or compensation payable to any officer or person, and that either by way of a capital sum, or of a terminable annuity for a period not exceeding that allowed by the commissioners under this Act or the Local Government Board. A.D. 1888.

(2.) In default of an agreement as to any matter requiring adjustment for the purpose of this Act, or any matter which, in case of difference, is to be referred to arbitration, then, if no other mode of making such adjustment or determining such difference is provided by this Act, such adjustment or difference may be made or determined by an arbitrator appointed by the parties, or in case of difference as to the appointment, appointed by the Local Government Board.

(3.) An arbitrator appointed under this Act shall be deemed to be an arbitrator within the meaning of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, and the provisions of those Acts with respect to an arbitration shall apply accordingly; and, further, the arbitrator may state a special case, and notwithstanding anything in the said Acts, shall determine the amount of the costs, and shall have power to disallow as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily, and any other costs which he considers to have been incurred unnecessarily. 8 & 9 Vict.  
c. 18.

(4.) Any award or order made by the Commissioners or any arbitrator under this Act may provide for any matter for which an agreement might have provided.

(5.) Any sum required to be paid for the purpose of adjustment, or of any award or order made by the Commissioners, or an arbitrator under this Act, may be paid out of the county or borough fund or out of such other special fund as the council, with the approval of the Commissioners under this Act or of the Local Government Board, may direct.

(6.) The payment of any capital sum required to be paid for the purposes of the adjustment or of an agreement under this Act, or of any award or order made upon any arbitration under this Act, shall be a purpose for which a council may borrow under this Act, or in the case of a borough council, under the Municipal Corporations Act, 1882, or any local Act, and such sum may be borrowed on the security of all or any of the funds, rates, and revenues of the council, and either by the creation of stock or in

A.D. 1888. — any other manner in which they are for the time being authorised to borrow, and such sum may be borrowed without the consent of the Treasury or any other authority, so that it be repaid within such period as the Local Government Board may sanction, by such method as is mentioned in Part Four of this Act for paying off a loan, or, if the sum is raised by stock under a local Act, by such method as is directed by that Act.

(7.) Any capital sum paid to any council for the purpose of any adjustment, or in pursuance of any order or award of an arbitrator under this Act shall be treated as capital, and applied, with the sanction of the Local Government Board, either in the repayment of debt or for any other purpose for which capital money may be applied.

Arbitration  
by Local  
Government  
Board.  
31 & 32 Vict.  
c. 119.

63. Where the Local Government Board are required in pursuance of this Act to decide any difference or other matter referred to arbitration in pursuance of this Act, the provisions of the Regulation of Railways Act, 1868, respecting arbitrations by the Board of Trade, and the enactments amending those provisions, shall apply as if they were herein re-enacted, and in terms made applicable to the Local Government Board and the decision of differences and matters under this Act.

## PART IV.

### FINANCE.

#### *Property Funds and Costs of County Council.*

Transfer of  
county pro-  
perty and  
liabilities.

64.—(1.) On and after the appointed day all property of the quarter sessions of a county, or held by the clerk of the peace, or any justice or justices of a county, or treasurer, or commissioners, or otherwise for any public uses and purposes of a county, or any division thereof, shall pass to and vest in and be held in trust for the council of the county, subject to all debts and liabilities affecting it, and shall be held by the county council for the same estate, interest, and purposes, and subject to the same covenants, conditions, and restrictions, for and subject to which that property is or would have been held if this Act had not passed, so far as those purposes are not modified by this Act. Provided that—

(a) the existing records of or in the custody of the court of quarter sessions shall, subject to any order of that court,



remain in the same custody in which they would have been if this Act had not passed ; and A.D. 1888.

(b) where any property belongs to a charity, nothing in this Act shall affect the trust of such charity, and until otherwise directed by the Charity Commissioners for England and Wales, the trustees or managers of the charity shall be appointed in like manner as if this Act had not passed ; and

(c) the justices of any county may retain any pictures, chattels, or property on the ground that the same have been presented to them or purchased out of their own funds or otherwise belong to them, and are not held for public purposes of the county, and any difference arising between the county council and the justices with respect to any such retention shall be referred to and determined by the Commissioners under this Act.

(2.) On and after the appointed day all debts and liabilities of the quarter sessions, or of the clerk of the peace, or any justice or justices, or treasurer, or commissioners, incurred for county purposes, shall become debts and liabilities of the county council, and shall, subject to the provisions of this Act, be defrayed by them out of the like property and funds out of which they would have been defrayed if this Act had not passed.

(3.) The county council shall have full power to manage, alter, and enlarge, and, with the consent of the Local Government Board, to alienate any land or buildings transferred by this section, or otherwise vested in the council, but shall provide such accommodation and rooms, and such furniture, books, and other things as may from time to time be determined by the standing joint committee of quarter sessions and the county council, to be necessary or proper for the due transaction of the business, and convenient keeping of the records and documents, of the quarter sessions and justices out of sessions, or of any committee of such quarter sessions or justices.

(4.) This section shall apply, with the necessary modifications, to the administrative counties of Sussex and Suffolk.

(5.) This section shall apply in the case of the property, debts, and liabilities of the justices of all the ridings and divisions of the counties of York or Lincoln at their gaol sessions, or of commissioners appointed by the justices, in like manner as if it were herein re-enacted with the substitution of gaol sessions or commissioners for quarter sessions, and of clerk of gaol sessions for clerk of the peace, and as if the joint committee of the councils of the three ridings or



A.D. 1888. — divisions were the council of the county; and the said joint committee shall, for the purposes of the said property, debts and liabilities, and for the transaction of the administrative business and execution of their duties under this Act, be a body corporate, with perpetual succession and a common seal, by the name of the county committee, with the prefix of the name of the county, and with power to acquire and hold land for the purposes of their constitution without licence in mortmain.

(6.) The county council of the soke of Peterborough shall be liable to repair the county bridges in the soke, and if any costs are incurred by the county council of the county of Northampton for the benefit of the soke, an adjustment thereof shall be made by agreement, or by arbitration in manner provided by this Act.

Power to  
acquire  
lands.

**65.**—(1.) A county council may, from time to time, for the purpose of any of their powers and duties, including those which are to be executed through the standing joint committee, acquire, purchase, or take on lease, or exchange any lands or any easements or rights over or in land, whether situate within or without the county, and may acquire, hire, erect, and furnish such halls, buildings, and offices as they may from time to time require, whether within or without their county.

(2.) For the purpose of the purchase, taking on lease, or exchange of such lands, sections one hundred and seventy-six, one hundred and seventy-seven, and one hundred and seventy-eight of the Public Health Act, 1875, shall apply as if they were herein re-enacted, and in terms made applicable to the county council.

(3.) Where the county council, with the consent of the Local Government Board, sell any land, the proceeds of such sale shall be applied in such manner as the said Board sanction towards the discharge of any loan of the council, or otherwise for any purpose for which capital may be applied by the council.

Costs of  
justices to  
be payable  
out of  
county fund.

**66.** All costs incurred by the quarter sessions or the justices out of session of a county, and all costs incurred by any justice, police officer, or constable, in defending any legal proceedings taken against him in respect of any order made, or act done, in the execution of his duty as such justice, police officer, or constable shall, to such amount as may be sanctioned by the standing joint committee of the county council and quarter sessions, and, so far as they are not otherwise provided for, be paid out of the county fund of the county, and the council of the county shall provide for such payment accordingly.

67. Any order of a court of quarter sessions, or of any justices or justice out of session, for the payment by the county treasurer of costs in criminal proceedings or of costs under the Act of the forty-eighth year of the reign of King George the Third, chapter seventy-five, shall be obeyed by the county treasurer in like manner as heretofore, and the county council shall cause the treasurer, or some other person on his behalf, to attend at every court of quarter sessions for the purpose of paying such sums as may be ordered by the court to be so paid.

A.D. 1888.  
Adjustment of law as respects costs ordered by quarter sessions or justices to be paid.

68.—(1.) All receipts of the county council, whether for general or special county purposes, shall be carried to the county fund, and all payments for general or special county purposes shall be made in the first instance out of that fund.

Funds of county council.

(2.) In this Act the expression "general county purposes" means all purposes declared by this or any other Act to be general county purposes, and all purposes for contributions to which the county council are for the time being authorised by law to assess the whole area of their administrative county, and the expression "general county account" means the account of the county fund to which the contributions so raised are carried, and any costs incurred for a general county purpose shall be general expenses, and all costs incurred by the county council in the execution of their duties which are not by law made special expenses shall be general expenses.

(3.) In this Act the expression "special county purposes" means any purposes from contribution to which any portion of the county is for the time being exempt, and also includes any purposes where the expenditure involved is by law restricted to a hundred, division, or other limited part of the county, and the expression "special county account" means any account of the county fund to which contributions for special county purposes are carried, and any costs incurred for a special county purpose shall be special expenses.

(4.) If the moneys standing to the general county account of the county fund are insufficient to meet the expenditure for general county purposes, county contributions may be levied to meet the deficiency on the whole administrative county, and shall be assessed on all the parishes in the county.

(5.) If the moneys standing to any special county account of the county fund are insufficient to meet the expenditure for the

A.D. 1888. — special county purposes chargeable to that account, county contributions may be levied to meet the deficiency on any parishes in the county liable to be assessed to county contributions for those purposes.

(6.) Any precept for county contributions may include as separate items a contribution for general county purposes, and a contribution for any special county purpose or purposes, and subject as in this or any other Act mentioned, county contributions, whether for general or special county purposes, which are liable to be assessed on the parishes, shall be assessed on such parishes in proportion to the annual value thereof, as determined by the standard or basis for the county rate, and all enactments applying to such standard or basis or to county rate shall (save as altered by this Act) apply so far as may be, consistently with the tenor thereof, to county contributions, and those enactments shall extend to all parishes within any borough which are liable under this Act to be assessed to county contributions.

(7.) The county council shall keep such accounts as will prevent the whole administrative county from being charged with expenditure properly payable by a portion only of the county, and will prevent any sums raised in a portion only of the county being applied in reduction of expenditure properly payable by the whole or a larger part of the county, and will further secure any such exemption as above in this section mentioned, and will prevent any sums by law specifically applicable to any particular purpose from being applied to any other purpose.

(8.) In determining the amount of expenditure for any particular county purpose, general or special, a proper proportion of the cost of the officers and buildings and establishment of the county council may be added to the expenditure directly expended for that purpose.

(9.) County contributions may be made retrospective in order to raise money for the payment of costs incurred, or having become payable at any time within six months before the demand of the contributions.

Borrowing  
by county  
council.

69.—(1.) The county council may from time to time, with the consent of the Local Government Board, borrow, on the security of the county fund, and of any revenues of the council, or on either such fund or revenues, or any part of the revenues, such sums as

may be required for the following purposes, or any of them, that is to say;

- (a.) for consolidating the debts of the county; and
- (b.) for purchasing any land or building any building, which the council are authorised by any Act to purchase or build; and
- (c.) for any permanent work or other thing which the county council are authorised to execute or do, and the cost of which ought in the opinion of the Local Government Board to be spread over a term of years; and
- (d.) for making advances (which they are hereby authorised to make) to any persons or bodies of persons, corporate or unincorporate, in aid of the emigration or colonisation of inhabitants of the county, with a guarantee for repayment of such advances from any local authority in the county, or the Government of any colony; and
- (e.) for any purpose for which quarter sessions or the county council are authorised by any Act to borrow,

but neither the transfer of powers by this Act nor anything else in this Act shall confer on the county council any power to borrow without the consent above mentioned, and that consent shall dispense with the necessity of obtaining any other consent which may be required by the Acts relating to such borrowing, and the Local Government Board, before giving their consent, shall take into consideration any representation made by any ratepayer or owner of property rated to the county fund.

(2.) Provided that where the total debt of the county council, after deducting the amount of any sinking fund, exceeds, or if the proposed loan is borrowed will exceed, the amount of one tenth of the annual rateable value of the rateable property in the county, ascertained according to the standard or basis for the county rate, the amount shall not be borrowed, except in pursuance of a provisional order made by the Local Government Board and confirmed by Parliament.

(3.) A county council may also from time to time, without any consent of the Local Government Board, during the period which was fixed for the discharge of any loan raised by them under this Act or transferred to them by this Act, borrow on the like security such amount as may be required for the purpose of paying off the whole or any part of such loan, or if any part of such loan has been repaid otherwise than by capital money for re-borrowing the amount so re-paid, and for the purpose of this section,



A.D. 1888. — “capital money” includes any instalments, annual appropriations, and sinking fund and the proceeds of the sale of land or other property, but does not include money previously borrowed for the purpose of repaying a loan.

(4.) All money reborrowed shall be repaid within the period fixed for the discharge of the original loan, and every loan for reborrowing shall for the purpose of the ultimate discharge be deemed to form part of the same loan as the original loan, and the obligations of the council with respect to the discharge of the original loan shall not be in any way affected by means of the reborrowing.

(5.) A loan under this section shall be repaid within such period, not exceeding thirty years, as the county council, with the consent of the Local Government Board, determine in each case.

38 & 39 Vict.  
c. 83.

(6.) The county council shall pay off every loan either by equal yearly or half yearly instalments of principal, or of principal and interest combined, or by means of a sinking fund set apart, invested, and applied in accordance with the Local Loans Act, 1875, and the Acts amending the same.

(7.) Where a loan is raised for any special county purpose, the council shall take care that the sums payable in respect of the loan are charged to the special account to which the expenditure for that purpose is chargeable.

38 & 39 Vict.  
c. 55.

(8.) Where the county council are authorised to borrow any money on loan they may raise such money either as one loan or several loans, and either by stock issued under this Act, or by debentures or annuity certificates under the Local Loans Act, 1875, and the Acts amending the same, or, if special reasons exist for so borrowing, by mortgage, in accordance with sections two hundred and thirty-six and two hundred and thirty-seven of the Public Health Act, 1875.

(9.) Provided that where a county council have borrowed by means of stock they shall not borrow by way of mortgage except for a period not exceeding five years.

(10.) Where the county council borrow by debentures such debentures may be for any amount not less than five pounds.

(11.) The provisions of this section which authorise advances in aid of the emigration or colonisation of inhabitants of the county, and borrowing for those advances, except the provisions respecting the total debt, shall extend to the councils of boroughs mentioned in the Third Schedule to this Act.



(12.) Nothing in this section shall be taken to empower the Cheshire County Council to borrow on the security of any revenue estimated to accrue from the surplus funds of the River Weaver Navigation. A.D. 1888.

70.—(1.) County stock may be created, issued, transferred, dealt with, and redeemed in such manner and in accordance with such regulations as the Local Government Board may from time to time prescribe. Issue of  
county  
stock.

(2.) Without prejudice to the generality of the above power, such regulations may provide for the discharge of any loan raised by such stock, and in the case of consolidation of debt for extending or varying the times within which loans may be discharged, and may provide for the consent of limited owners and for the application of the Acts relating to stamp duties and to cheques and for the disposal of unclaimed dividends, and may apply for the purposes of this section, with or without modifications, any enactments of the Local Loans Act, 1875, and the Acts amending the same, and of any Act relating to stock issued by the Metropolitan Board of Works, or by the corporation of any municipal borough.

(3.) Such regulations shall be laid before each House of Parliament for not less than thirty days during which such House sits, and if either House during such thirty days resolves that such regulations ought not to be proceeded with the same shall be of no effect, without prejudice nevertheless to the making of further regulations.

(4.) If no such resolution is passed it shall be lawful for Her Majesty by Order in Council to confirm such regulations, and the same when so confirmed shall be deemed to have been duly made and to be within the powers of this Act, and shall be of the same force as if they were enacted in this Act.

71.—(1.) The accounts of the receipts and expenditure of county councils shall be made up to the end of each local financial year as defined by this Act, and be in the form for the time being prescribed by the Local Government Board. Audit of  
accounts of  
county  
council.

(2.) The provisions of the Municipal Corporations Act, 1882, with respect to the return to the Local Government Board of the accounts of a council of a borough and to the accounts of the treasurer of the borough, and to the inspection and abstract thereof shall apply to the accounts of a county council, and of the

A.D. 1888. treasurer and officers of such council, and the said provisions respecting the return to the Local Government Board shall extend to the return to that Board of a printed copy of the abstract of the said accounts.

(3.) The accounts of a county council and of the county treasurer and officers of such council, shall be audited by the district auditors appointed by the Local Government Board in like manner as accounts of an urban authority and their officers under sections two hundred and forty-seven and two hundred and fifty of the Public Health Act, 1875, and those sections and all enactments amending them or applying to audit by district auditors, including the enactments imposing penalties and providing for the recovery of sums, shall apply in like manner as if, so far as they relate to an audit of the accounts of an urban authority and the officers of such authority, they were herein re-enacted with the necessary modifications, and accordingly all ratepayers and owners of property in the county shall have the like rights, and there shall be the same appeal as in the case of such audit. Provided that the First Schedule to the District Auditors Act, 1879, shall be modified in manner described in the Second Schedule to this Act.

72. After the appointed day the Local Government Board shall exercise, as regards any county borough, or other borough, the powers conferred by Part V. of the Municipal Corporations Act, 1882, relating to corporate property and liabilities, as respects the approval of loans and of the alienation of property, and other matters therein mentioned, and that Part shall, as respects any transactions commenced after the appointed day, be construed as if "Local Government Board" were throughout that Part substituted for "Treasury."

*Local Financial Year and Annual Budget.*

73.—(1.) After the appointed day, not being more than three years after the passing of this Act, the local financial year shall be the twelve months ending the thirty-first day of March, and the accounts of the receipts and expenditure of every county council shall be made up for that year, but until the appointed day the local financial year shall be the twelve months ending the twenty-fifth day of March, and the said accounts shall be made up for that year.

(2.) All enactments relating to accounts of local authorities, or the audit thereof, or to returns touching their receipts and expenditure, or to meetings, or other matters, shall be modified so far as is necessary for adapting them to the provisions of this section, and the Local Government Board shall from time to time give such orders and make such arrangements as appear to the Board to be necessary or proper for effecting such adaptation, and giving effect to the provisions of this section. A.D. 1888.

74.—(1.) At the beginning of every local financial year, every county council shall cause to be submitted to them an estimate of the receipts and expenses of such council during that financial year, whether on account of property, contributions, rates, loans, or otherwise. Annual budget of county councils.

(2.) The council shall estimate the amount which will require to be raised in the first six months, and in the second six months of the said financial year by means of contributions.

(3.) If at the expiration of the first six months of such financial year it appears to the council that the amount of the contribution or rate estimated at the commencement of the year will be larger than is necessary or will be insufficient, the council may revise the estimate and alter accordingly the amount of the contribution or rate.

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## PART V.

### SUPPLEMENTAL.

#### *Application of Acts.*

75. For the purpose of the provisions of this Act with respect to county councils, and to the chairmen, members, committees, and officers of such councils, and otherwise for the purpose of carrying this Act into effect, the following portions of the Municipal Corporations Act, 1882, namely, Part Two, Part Three, Part Four (as amended by the Municipal Elections (Corrupt Practices) Act, 1884), section one hundred and twenty-four in Part Five, Part Twelve, Part Thirteen, the Second Schedule, Part Two and Part Three of the Third Schedule, and Part One of the Eighth Schedule shall, so far as the same are unrepealed and are consistent with the

Application of  
of 45 & 46 Vict.  
c. 50.  
to county  
councils  
and this Act.  
47 & 48 Vict.  
c. 70.

A.D. 1888. — provisions of this Act, apply as if they were herein re-enacted with the enactments amending the same in such terms and with such modifications as are necessary to make them applicable to the said councils and their chairmen, members, committees, and officers, and to the other provisions of this Act.

Provided as follows:—

- (1.) In a year in which county councillors are elected, the elections of those councillors, and of councillors of a borough, shall be conducted together.
- (2.) Such person as the county council may appoint shall be the returning officer for the election of county councillors of the county council, in substitution for the mayor, and for the aldermen assigned for that purpose by the council.
- (3.) The returning officer, without prejudice to any other power, may by writing under his hand appoint a fit person to be his deputy for all or any of the purposes relating to the election of any such councillor, and may by himself or such deputy exercise any powers and do any things which a returning officer is authorised or required to exercise or do in relation to such election, and shall for the purposes of the election have all the powers of the sheriff.
- (4.) A reference in this Act, or in the enactments applied by this Act, to the returning officer or to the mayor or to the alderman shall, so far as relates to the election of any such councillor, be construed to refer to the returning officer, and any such deputy as above mentioned.
- (5.) A reference in the said enactments to the town clerk so far as respects the election of any such councillor shall be construed to refer to the returning officer or his deputy, and as respects matters subsequent to the election, shall be construed to refer to the clerk of the county council.
- (6.) In a borough the returning officer for the purpose of the election of councillors of the borough shall continue to be the same as heretofore, and where an electoral division of the county is co-extensive with or wholly comprised in such borough, shall at the election in such division of a councillor of the county council act as the returning officer in pursuance of a writ directed to him from the county returning officer, and so far as respects that election shall follow the instructions of, and return the names of the persons elected to the county returning officer in like manner as if he were a deputy returning officer,



A.D. 1888.

and any decision of an objection shall be subject to revision by the county returning officer accordingly, and a reference in the said enactments to the town clerk shall, as respects the borough, be construed to refer to the town clerk.

(7.) Some place fixed by the returning officer shall, except where the election is in a borough, be substituted for the town clerk's office, and, as respects the hearing of objections to nomination papers, for the town hall, but such place shall, if the electoral division is the whole or part of an urban district, be in that district, and in any other case shall be in the electoral division or in an adjoining electoral division.

(8.) The returning officer shall forthwith after the election of county councillors for the county return the names of the persons elected to the clerk of the county council.

(9.) The period between the nomination and election may be such period, not exceeding six days, as the returning officer may fix.

(10.) An outgoing alderman shall not as alderman vote in the election of a chairman.

(11.) The hours of the poll shall be those fixed by the Elections (Hours of Poll) Act, 1885. 48 & 49 Vict. c. 10.

(12.) Section eleven of the Municipal Corporations Act, 1882, with respect to the qualification of a county councillor by reason of his being entered in the separate non-resident list, shall include, for the purposes of this Act, all persons entered in such separate list in any municipal borough by reason of occupation of property in the borough, and all persons entered in such separate list for any part of a county not in a municipal borough by reason of the occupation of property in that part.

(13.) The seventh of November shall be substituted for the ninth of November as the ordinary day of election of the chairman and of county aldermen, and as the day for holding a quarterly meeting of the county council.

(14.) Ten days shall be substituted for five days in section thirty-four of the Municipal Corporations Act, 1882, as the time within which a person elected to a corporate office is to accept that office, and twelve months shall be substituted for six months in section thirty-nine of the said Act, as the period of absence which disqualifies an alderman or councillor.

(15.) The quorum of the council shall be one-fourth of the whole number of the council, and one-fourth shall, for the purposes



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of this section, be substituted for one-third in paragraph ten of the second schedule to the Municipal Corporations Act, 1882.

(16.) Nothing in the Municipal Corporations Act, 1882, as applied by this section—

- (a) shall alter the application of any fine, penalty, or forfeiture recoverable in a summary manner; or,
- (b) shall apply any of the provisions of the Municipal Corporations Act, 1882, with reference to boundaries or the alteration of wards or borough auditors, nor any of the following provisions, namely, sub-section five of section fifteen, section sixteen, section two hundred and fifty-one, or section two hundred and fifty-seven; or
- (c) shall render any person elected to a corporate office without his consent to his nomination being previously obtained liable to pay a fine on non-acceptance of office, or render a chairman or deputy chairman disqualified as such by reason of absence; or
- (d) shall authorise or require a returning officer to hold an election of a councillor to fill a casual vacancy in the representation of an electoral division where the vacancy occurs within six months before the time fixed by this Act for a new election of a councillor to represent such electoral division; or
- (e) shall apply to a county council section seventeen of the said Act with respect to the town clerk, nor, unless the county council so resolve, section eighteen respecting the treasurer, but, if the county council so resolve, section eighteen shall supersede the existing enactments with respect to the county treasurer; or,
- (f) shall require the acts and proceedings of the standing joint committee of the county council and quarter sessions to be submitted to the county council for their approval; or
- (g) shall prevent the use of schools and public rooms for the purpose of taking the poll at elections under this Act, but section six of the Ballot Act, 1872, shall apply in the case of elections under this Act, and the returning officer may, in addition to using such rooms free of charge for taking the poll, use the same free of charge for hearing objections to nomination papers and for counting votes.

(17.) All costs properly incurred in relation to the holding of elections of councillors of county councils, so far as not other-

35 & 36 Vict.  
c. 33.

wise provided for by law, shall be paid out of the county fund as general expenses. A.D. 1888.

(18.) The said costs shall not exceed those allowed by Part I. of the First Schedule to the Parliamentary Elections (Returning Officers) Act, 1875, as amended by the Parliamentary Elections (Returning Officers) Act, 1885, or by such scale as the county council may from time to time frame. 38 & 39 Vict.  
c. 84.  
48 & 49 Vict.  
c. 62.

(19.) Sections four, five, six, and seven of the Parliamentary Elections (Returning Officers) Act, 1875, as amended by the Parliamentary Elections (Returning Officers) Act (1875) Amendment Act, 1886, shall apply as if they were herein re-enacted with the necessary modifications, and in particular with the substitution of the county council for the person from whom payment is claimed, and of one month for the period of fourteen days within which application may be made for taxation. 49 & 50 Vict.  
c. 57.

(20.) A county council shall, on the request of the returning officer, prior to a poll being taken at any election of a councillor of such council, advance to him such sum not exceeding ten pounds for every thousand electors at the election as he may require.

(21.) The meeting of a county council, or of any committee thereof, may be held at such place either within or without their county, as the council from time to time direct.

**76.—(1.)** The provisions of section four of the County Electors Act, 1888, with respect to the framing of the lists and register of voters in parts shall extend to parishes situate within a parliamentary borough. Amendment  
of  
51 & 52 Vict.  
c. 10.

(2.) In the provisions of section four of the said Act with respect to making out the lists of voters according to the order in which the qualifying premises appear in the rate book, the county authority shall mean the county council.

(3.) The names of the parliamentary electors and county electors in the lists in each polling district may be numbered consecutively, and such portion of those lists as consists of the names of parliamentary electors may be taken to form the register for the purpose of parliamentary elections, and such portion of those lists as contains the names of county electors may be taken to form the register of county electors.

A.D. 1888.

(4.) For the purpose of the provisions of the Acts relating to the appointment of revising barristers, and of section nine of the County Electors Act, 1888, the county of Surrey and such portion of the county of London as is situate south of the Thames shall be deemed to be separate counties forming part of the south-eastern circuit; and such portion of the administrative county of London as is situate north of the Thames shall be deemed to form part of the county of Middlesex; and the county of Middlesex, inclusive of that portion, shall be deemed to be a separate county on a circuit; but any sum payable by the London county council in respect of either of the said portions of the county, shall be paid as for a general county purpose.

(5.) The provisions of section eleven of the County Electors Act, 1888, with respect to the payment of the sums therein mentioned shall apply to the payment of the said sums in the year one thousand eight hundred and eighty-eight in like manner as if a county authority had not been established under this Act.

51 & 52 Vict.  
c. 10. (6.) It is hereby declared that nothing in section twelve of the County Electors Act, 1888, applies to any person occupying property within a borough.

(7.) It shall be lawful for Her Majesty the Queen, by Order in Council, from time to time to alter the instructions, precepts, notices, and forms under the Registration of Electors Acts, in such manner as appears to Her Majesty necessary for carrying into effect this Act and the County Electors Act, 1888, and any other Act for the time being in force amending or affecting the Acts mentioned in this sub-section, and the instructions, precepts, notices, and forms specified in any such Order in Council shall be observed and be valid in law, and clerks of the peace, and town clerks, and other officers shall act accordingly.

(8.) The provisions of section six of the said County Electors Act, 1888, requiring the statement of the barrister for the purpose of an appeal to be made not less than four days before the first day of the Michaelmas sittings shall not apply in the year one thousand eight hundred and eighty-eight.

Residential  
qualification  
of county  
electors in  
administra-  
tive county  
of London.

77. A person who is entitled to be registered as a county elector in respect of any qualification in the administrative county of London, in all respects except that of residence, and is resident beyond seven miles but within fifteen miles of the county, shall be entitled to be registered as a county elector.

78.—(1.) All enactments in any Act, whether general or local and personal, relating to any business, powers, duties or liabilities transferred by or in pursuance of this Act from any authority to a county council, either alone or jointly with the quarter sessions, or to any joint committee, shall, subject to the provisions of this Act, and so far as circumstances admit, be construed as if—

A.D. 1888.  
Construction  
of Acts  
referring to  
business  
transferred.

(a.) any reference therein to the said authority or to any committee or member thereof or to any meeting thereof (so far as it relates to the business, powers, duties, or liabilities transferred) referred to the county council or to a committee or member thereof or to a meeting thereof, as the case requires, and as if—

(b.) a reference to any clerk or officer of such authority referred to the clerk or officer of a county council or committee thereof, as the case requires,

and all the said enactments shall be construed with such modifications as may be necessary for carrying this Act into effect.

(2.) Provided that the transfer of powers and duties enacted by this Act shall not authorise any county council or any committee or member thereof—

(a.) to exercise any of the powers of a court of record ; or

(b.) to administer an oath ; or

(c.) to exercise any jurisdiction under the Summary Jurisdiction Acts, or perform any judicial business, or otherwise act as justices or a justice of the peace ;

but this enactment shall be without prejudice to the position of the chairman of the county council as justice of the peace during his term of office.

(3.) Where under any such enactment as in this section mentioned, any powers, duties, or liabilities are to be exercised or discharged after any presentment or in any particular manner, or at any particular meeting, or subject to any other conditions, the county council may, by the standing orders for the regulation of their proceedings, provide for the exercise and discharge of those powers, duties, and liabilities without any such prior presentment or in a different manner, or at any meeting of the council fixed by the standing orders, or without such other conditions ; and until such standing orders take effect shall exercise and discharge them in the like manner, and at the like time, and subject to the like conditions, so nearly as circumstances admit ; and a presentment by



A.D. 1888 — a grand jury in relation to any such powers, duties, or liabilities, shall cease to be made otherwise than by way of indictment.

(4.) For the purposes of this section the expression “authority” means a Secretary of State, the Board of Trade, the Local Government Board, and any Government Department, also any commissioners, conservators, or public body, corporate or unincorporate, specified in a Provisional Order transferring any powers, duties, or liabilities to the county council, also any quarter sessions and any justices, also the Metropolitan Board of Works, or other local authority mentioned in this Act; and the expression “member of an authority” includes, where the authority are quarter sessions or justices, any justice, and the expression “meeting of an authority” includes a court of quarter sessions and the assembly of justices in special or petty sessions; and the expression “clerk of an authority” includes in relation to any quarter sessions or justices, the clerk of the peace or the clerk to a justice as the case requires.

This section shall apply as if a joint committee were a committee of the county council.

*Proceedings of Councils and Committees.*

Incorporation of county council.

79.—(1.) The council of each county shall be a body corporate by the name of the county council with the addition of the name of the administrative county, and shall have perpetual succession and a common seal and power to acquire and hold land for the purposes of their constitution without licence in mortmain.

(2.) All duties and liabilities of the inhabitants of a county shall become and be duties and liabilities of the council of such county.

(3.) Where an enactment (whether relating to lunatic asylums or bridges, or other county purposes, or to quarter sessions,) requires or authorises land to be conveyed or granted to, or any contract or agreement to be made in the name of, the clerk of the peace, or any justice or justices or other person, on behalf of the county or quarter sessions, or justices of the county, such land shall be conveyed or granted to, and such contract and agreement shall be made with, the council of the administrative county concerned.

Payments out of fund and finance committee of county council.

80.—(1.) All payments to and out of the county fund shall be made to and by the county treasurer, and all payments out of the fund shall, unless made in pursuance of the specific requirement of an Act of Parliament or of an order of a competent court, be made in pursuance of an order of the council signed by three members



of the finance committee present at the meeting of the council and countersigned by the clerk of the council, and the same order may include several payments. Moreover all cheques for payment of moneys issued in pursuance of such order shall be countersigned by the clerk of the council or by a deputy approved by the council.

(2.) Any such order may be removed into the High Court of Justice by writ of certiorari, and may be wholly or partly disallowed or confirmed on motion and hearing with or without costs, according to the judgment and discretion of the court.

(3.) Every county council shall from time to time appoint a finance committee for regulating and controlling the finance of their county; and an order for the payment of a sum out of the county fund, whether on account of capital or income, shall not be made by a county council, except in pursuance of a resolution of the council passed on the recommendation of the finance committee, and (subject to the provisions of this Act respecting the standing joint committee) any costs, debt, or liability exceeding fifty pounds shall not be incurred except upon a resolution of the council passed on an estimate submitted by the finance committee.

(4.) The notice of the meeting at which any resolution for the payment of a sum out of the county fund (otherwise than for ordinary periodical payments), or any resolution for incurring any costs, debt, or liability exceeding fifty pounds will be proposed, shall state the amount of the said sum, costs, debt, or liability, and the purpose for which they are to be paid or incurred.

(5.) This section shall not apply to county boroughs.

81.—(1.) Any county council or councils, and any court or courts of quarter sessions, may from time to time join in appointing out of their respective bodies a joint committee for any purpose in respect of which they are jointly interested.

Appoint-  
ment of joint  
committees.

(2.) Any council or court taking part in the appointment of any joint committee under this section, may from time to time delegate to the committee any power which such council or court might exercise for the purpose for which the committee is appointed.

(3.) Provided that nothing in this section shall authorise a council to delegate to a committee any power of making a rate or borrowing any money.

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(4.) Subject to the terms of delegation, any such joint committee shall, in respect of any matter delegated to it, have the same power in all respects as the councils and courts appointing it, or any of them, as the case may be.

(5.) The members of a joint committee appointed under this Act shall be appointed at such times and in such manner as may be from time to time fixed by the council or court who appointed them, and shall hold office for such time as may be fixed by the council or court who appointed them, so that where any members of the committee were appointed by the county council, such committee do not continue for more than three months after any triennial election of councillors of such county council.

(6.) The costs of a joint committee shall be defrayed by the council by whom any of its members were appointed, or if appointed by more than one council in the proportion agreed to by them; and the accounts of such joint committee and their officers shall, for the purposes of the provisions of this Act, be deemed to be accounts of the county council and their officers.

(7.) This section shall apply to the councils of county boroughs in like manner as to councils of administrative counties, and a standing joint committee may be appointed for two or more administrative counties, inclusive of county boroughs, and the members of such joint committee shall be appointed by the several quarter sessions and councils in such proportion and manner as they respectively may arrange, and in default of arrangement as may be directed by a Secretary of State.

(8.) This section shall apply to the standing joint committees.

Proceedings  
of com-  
mittees.

**82.—(1.)** A county council appointing under this Act any committee may from time to time make, vary, and revoke regulations respecting the quorum and proceedings of such committee, and as to the area (if any) within which it is to exercise its authority; and subject to such regulations the proceedings and quorum and the place of meeting whether within or without the county, shall be such as the committee may from time to time direct, and the chairman at any meeting of the committee shall have a second or casting vote.

(2.) Every committee shall report its proceedings to the council by whom it was appointed, but to the extent to which the council so direct, the acts and proceedings of the committee shall not be required by the provisions of the Municipal Corporations Act, 1882, to be submitted to the council for their approval.

(3.) In the case of a joint committee the councils and courts appointing the joint committee shall jointly have the powers given by this section, and the provisions of this section shall apply accordingly. A.D. 1888.

### *Officers.*

**83.** Subject to the provisions of this Act for the protection of clerks of the peace holding office at the passing of this Act, the following provisions shall have effect :— Clerk of the peace and of county council.

- (1.) The clerk of the peace of a county, besides acting as clerk of the peace of that county, shall also (subject to the provisions of this Act as respects particular counties) be the clerk of the county council, and in that capacity is referred to in this Act as the clerk of the county council.
- (2.) He shall be from time to time appointed by the standing joint committee of the county council and the quarter sessions, and may be removed by that joint committee.
- (3.) He shall, subject to the directions of the *custos rotulorum* or the quarter sessions or the county council, as the case may require, have charge of and be responsible for the records and documents of the county.
- (4.) The joint committee may appoint a deputy clerk to hold office during their pleasure, and to act in lieu of such clerk in case of his death, illness, or absence, or in such other cases as may be determined by the joint committee, and wherever the deputy so acts, all things authorised or required to be done by, to, or before the clerk of the peace, or clerk of the county council, may be done by, to, or before any such deputy; without prejudice to the appointment of a deputy clerk for the purpose of a second court on the division of the court of quarter sessions for judicial business.
- (5.) The council shall pay to the clerk of the peace in respect of his services as clerk of the peace and as clerk of the county council, such salary as may be from time to time fixed under the enactments relating thereto, and all fees and costs payable to the clerk of the peace which are not excluded when the salary of the clerk of the peace is fixed shall be paid to the county fund, and for the purpose of the enactments relating to such salary and fees, the standing joint committee of the county

A.D. 1888.  
—

council and the quarter sessions shall be substituted for the quarter sessions and the local authority respectively.

- (6.) The clerk of the peace, when acting in relation to any business of the county council, and when acting under the Acts relating to the registration of parliamentary voters, or to the deposit of plans or documents, or to jury lists, or to any registration matters, shall act under the direction of the county council, and all enactments relating to such business, registration, or deposit, shall be construed as if clerk of the county council were therein substituted for clerk of the peace.
- (7.) The office of clerk of the peace of each of the administrative counties of Sussex and Suffolk shall be a separate office; but nothing in this Act shall prevent the same person from being appointed to both such offices; and the justices in general sessions assembled for the entire county of Sussex or Suffolk may from time to time appoint the person who is clerk of the peace for either administrative county to be clerk of the peace of such general sessions, and may remove such clerk, and the remuneration to be paid to such clerk shall be determined jointly by the standing joint committees for the administrative counties.
- (8.) The existing records of the county of Sussex and of the county of Suffolk shall, subject to the order of quarter sessions continue to be kept by the clerk of the peace of East Sussex and by the clerk of the peace for East Suffolk respectively.
- (9.) This section shall apply to the clerks of the peace and deputy clerks of the peace of the county of Lancaster, in like manner as it applies to clerks of the peace of any other county, but the appointment of any such deputy clerk of the peace may be discontinued if the standing joint committee think fit.
- (10.) The joint committee of the councils of the three ridings or divisions of Yorkshire and Lincolnshire may from time to time appoint a clerk of such joint committee, and may from time to time remove such clerk.
- (11.) The clerk of the peace for the county of London shall be a separate officer from the clerk of the county council for the administrative county of London, and
  - (a) the clerk of the peace shall, subject to the directions of the quarter sessions, have charge of and be responsible for the records and documents of those sessions and of the justices out of session, and the clerk of the county council



shall, subject to the directions of the council, have charge of and be responsible for all other documents of the county; and A.D. 1888.

(b) the council may from time to time appoint a deputy clerk of the council, and the foregoing provisions of this section with respect to the deputy clerk shall apply; and

(c) the council shall pay to the clerk of the council such salary as may be from time to time fixed by them.

(12.) The county council shall cause their clerk or other officer from time to time to send to a Secretary of State or the Local Government Board such returns and information as may from time to time be required by either House of Parliament.

(13.) Provided always, that no paid clerk or other paid official in the permanent employment of a county council who is required to devote his whole time to such employment shall be eligible to serve in Parliament.

84.—(1.) The salaried clerk of every petty sessional division shall be from time to time appointed, and removed, as heretofore. Appointment of the justices' clerks and clerks of committees.

(2.) The county council shall pay to the salaried clerks of petty sessional divisions such salaries as may be fixed under the enactments relating to those clerks, and all fees and costs payable to such clerks which are not excluded in the fixing of their salaries shall be paid into the county fund, and in the enactments relating to such salaries and fees the standing joint committee shall be substituted for the quarter sessions justices and the local authority respectively.

#### *Regulations for Bicycles, &c.*

85.—(1.) The provisions of section twenty-six, sub-section five, of the Highways and Locomotives (Amendment) Act, 1878, and section twenty-three, sub-section one, of the Municipal Corporations Act, 1882, in so far as it gives power to the council to make byelaws regulating the use of carriages herein referred to, and all other provisions of any public or private Acts, in so far as they give power to any local authority to make byelaws for regulating the use of bicycles, tricycles, velocipedes, and other similar machines, are hereby repealed, and bicycles, tricycles, velocipedes, and other similar machines are hereby declared to be carriages within the meaning of the Highway Acts; and the following additional Regulations for bicycles, &c.



A.D. 1888. regulations shall be observed by any person or persons riding or being upon such carriage :—

- (a.) During the period between one hour after sunset and one hour before sunrise, every person riding or being upon such carriage shall carry attached to the carriage a lamp, which shall be so constructed and placed as to exhibit a light in the direction in which he is proceeding, and so lighted and kept lighted, as to afford adequate means of signalling the approach or position of the carriage;
  - (b.) Upon overtaking any cart or carriage, or any horse, mule, or other beast of burden, or any foot passenger, being on or proceeding along the carriage way, every such person shall within a reasonable distance from and before passing such cart or carriage, horse, mule, or other beast of burden, or such foot passenger, by sounding a bell or whistle, or otherwise, give audible and sufficient warning of the approach of the carriage.
- (2.) Any person summarily convicted of offending against the regulations made by this section, shall for each and every such offence, forfeit and pay any sum not exceeding forty shillings.

*Adaptation of Acts.*

Adaptation  
of Lunatic  
Asylum  
Acts.

86. For the purpose of adapting the Acts relating to pauper lunatic asylums to the provisions of this Act, the following provisions shall have effect :—

- (1.) The accounts of the committee of visitors and of their officers shall, for the purposes of the provisions of this Act with respect to accounts of a county council and their officers, and the audit thereof, be deemed to be accounts of the council and officers.
- (2.) Nothing in this Act shall transfer to the county council or any members thereof the jurisdiction of quarter sessions or any justices in relation to the removal, reception, or detention of a lunatic into or in an asylum, or to making orders respecting the payment otherwise than out of the county fund of charges incurred on account of any pauper lunatic, or respecting any property of any such lunatic, or respecting his settlement or chargeability, or in relation to any appeal touching the said matters.

- (3.) Where at the passing of this Act the recorder or justices or council of a borough appoint members of the committee of visitors of any lunatic asylum, then—
- (a.) if the representatives of that borough on the county council are entitled to vote for the appointment by that council of visitors of that asylum, such recorder or justices or council shall cease to have power to appoint the said members; and
  - (b.) if the representatives of the borough are not so entitled to vote, the said power of appointment by the recorder or justices shall be transferred to the council of the borough.
- (4.) Where at the passing of this Act a borough with a separate court of quarter sessions not being a county borough, but containing, according to the census of one thousand eight hundred and eighty-one, a population of ten thousand or upwards, contracts with the quarter sessions of the county in which the borough is situate for the reception of the lunatics of the borough in the asylum of the county, such borough shall, on the determination of such contract, cease to have power to build a lunatic asylum, and subject to the enactments providing for an additional charge for the maintenance of lunatics in cases where no contribution has been made towards the cost of building and furnishing an asylum, shall be liable to contribute to the county rate of the county in respect of such lunatic asylum in like manner as the rest of the county.
- (5.) Any asylum provided in whole or in part at the cost of a county shall for the purposes of this Act be included in the expression "county lunatic asylum."
- (6.) Where there is more than one county lunatic asylum, the county council may from time to time appoint one committee for the management and control of all the county lunatic asylums, and such committee shall be the committee of each asylum within the meaning of the Acts relating to pauper lunatic asylums, and shall from time to time appoint a sub-committee for each separate asylum, and may delegate to that sub-committee, such powers and duties as the committee from time to time think fit.
- (7.) The said committee may, subject to any directions given by the county council, provide that a uniform charge shall be made for the maintenance of lunatics in the several county asylums,

A.D. 1888.

and that for that purpose any surplus arising on the accounts of one asylum shall be applied to meet the deficit arising on the accounts of another asylum.

- (8.) The provisions of this Act with respect to the proceedings of committees of county councils shall apply to the proceedings of the committee of visitors for a lunatic asylum, and the chairman of such committee may be elected accordingly.

Application  
of pro-  
visions of  
38 & 39 Vict.  
c. 55. as to  
local in-  
quiries and  
provisional  
orders.

87.—(1.) Where the Local Government Board are authorised by this Act to make any inquiry, to determine any difference, to make or confirm any order, to frame any scheme, or to give any consent, sanction, or approval to any matter, or otherwise to act under this Act, they may cause to be made a local inquiry, and in that case, and also in a case where they are required by this Act to cause to be made a local inquiry, sections two hundred and ninety-three to two hundred and ninety-six, both inclusive, of the Public Health Act, 1875, shall apply as if they were herein re-enacted, and in terms made applicable to this Act.

(2.) Sections two hundred and ninety-seven and two hundred and ninety-eight of the Public Health Act, 1875 (which relate to the making of provisional orders by the Local Government Board), shall apply for the purposes of this Act as if they were herein re-enacted, and in terms made applicable thereto.

(3.) Provided that, where a provisional order transfers to county councils generally any powers, duties, or liabilities of Her Majesty's Privy Council, a Secretary of State, the Local Government Board, or other Government department, it shall not be necessary to hold a local inquiry nor to advertise in any local newspaper.

(4.) Where any matter is authorised or required by this Act to be prescribed, and no other provision is made declaring how the same is to be prescribed, the same shall be prescribed from time to time by the Local Government Board.

(5.) Where the Board cause any local inquiry to be held under this Act, the costs incurred in relation to such inquiry, including the salary of any inspector or officer of the Board engaged in such inquiry, not exceeding three guineas a day, shall be paid by the councils and other authorities concerned in such inquiry, or by such of them and in such proportions as the Board may direct, and the Board may certify the amount of the costs incurred, and any sum so certified and directed by the Board to be paid by any council or authority shall be a debt to the Crown from such council or authority.

88. In the administrative county of London the following provisions shall have effect: A.D. 1888.

- (a.) The county council may from time to time appoint any fit person to be deputy chairman, and to hold office during the term of office of the chairman, and may pay to such deputy chairman such remuneration as the county council may from time to time think fit;
- (b.) Subject to any rules from time to time made by the county council, anything authorised or required to be done by, to, or before the chairman, may be done by, to, or before such deputy chairman;
- (c.) Section one hundred and ninety-one of the Public Health Act, 1875, shall apply to the Metropolis in like manner as if the Commissioners of Sewers in the City of London, and every vestry of a parish in Schedule A., and district board of a district in Schedule B. to the Metropolis Management Act, 1855, or under any Act amending the same, were a local authority within the meaning of that section, and as if any medical officer hereafter appointed by such commissioners, vestry, or district board were appointed under the said Act, and the provisions of this Act with respect to the qualification of a medical officer or to the payment by a county council of a portion of the salary of a medical officer shall apply accordingly. 38 & 39 Vict.  
c. 55.  
  
18 & 19 Vict.  
c. 120.

89.—(1.) The Central Criminal Court Act, 1834, shall be construed as if the county of London were throughout mentioned therein as well as the county of Middlesex. Adjustment  
of law as re-  
gards courts,  
juries,  
sittings,  
and legal  
proceedings  
in Middlesex  
and London.  
4 & 5 Will. 4.  
c. 36.  
6 Geo. 4. c. 50.

(2.) The County Juries Act, 1825, and the Acts amending the same, shall apply to the county of London in like manner as they apply to the county of Middlesex, and persons shall be qualified to serve as jurors, and lists of jurors shall be made out in like manner, so nearly as circumstances admit, as in that county; and the present exemption of inhabitants of the liberty and city of Westminster from serving on juries at quarter sessions for the county of Middlesex shall cease; but nothing in this section shall alter the qualification of persons to serve as jurors within the city of London.

(3.) Subject to rules of court made by the authority having power to make rules for the Supreme Court of Judicature, the county of London and the county of Middlesex shall be deemed



A.D. 1888. — to be one county for the purpose of all legal proceedings, civil or criminal, in the Supreme Court or Central Criminal Court, or any other court except the court of quarter sessions, and also for the purpose of the sittings of the Supreme Court, Central Criminal Court, or such other court as aforesaid, or of any judge of any of such courts, and also for the purpose of any jury, and of any court of assize, oyer and terminer, and gaol delivery; and all enactments, rules, orders, and documents referring to Middlesex shall be construed so as to give effect to this section; and rules of court may be from time to time made for the purpose of carrying this section into effect, and for regulating the issue of precepts to the sheriffs of the counties of London and Middlesex for the return of jurors, and the jurors so returned shall have the same powers, duties, and liabilities as if the two counties were one county.

Special provisions as to adjustment in the Metropolis.  
40 & 41 Vict. c. 99.

90. In the adjustment of the property, debts, and liabilities between the counties of Surrey and Middlesex respectively, and the county of London, the annual sums payable by the counties of Surrey and Middlesex respectively in respect of certain bridges in pursuance of the Metropolis Toll Bridges Act, 1877, shall be deemed to be liabilities which shall be taken into consideration upon such adjustment.

Adjustment as regards the Militia Acts.  
45 & 46 Vict. c. 49.

91. The Acts relating to the general and local militia of the rest of England and Wales shall apply to the whole of the county of London in like manner as they apply to any county at large; and accordingly Her Majesty shall from time to time appoint a lieutenant of the county of London, provided that nothing in this section shall affect section fifty of the Militia Act, 1882.

### *Savings.*

Saving for votes at any Parliamentary elections.

92.—(1.) Nothing in this Act, nor anything done in pursuance of this Act, shall alter the limits of any parliamentary borough or parliamentary county, or the right of any person to be registered as a voter at any parliamentary election.

(2.) Where by virtue of the provisions of this Act with respect to the county of London, or to urban sanitary districts situate partly within and partly without the boundary of a county, a place situate in a parliamentary county becomes part of the county of a council other than the council having authority over the largest part of the parliamentary county, that is to say, the



part which contains the largest number of occupation voters, then, for the purpose of making out and revising the lists of voters, of conducting any parliamentary election, of polling districts, and assigning polling places, and for all purposes of and incidental to such matters, including the payment of expenses, such place shall be deemed to be part of the same county as the said largest part of the said parliamentary county, and the sheriff, council, clerk of the peace, authorities, and officers of that county shall have authority accordingly in the said place, and the provisions of the Registration Act, 1885, with respect to parliamentary counties extending into more county quarter sessional areas than one, shall apply with the necessary modifications. A.D. 1888.  
—  
48 & 49 Vict.  
c. 15.

(3.) Provided that the clerk of the peace who receives from the revising barrister the lists of voters in any such place shall supply to any other clerk of the peace or other officer such number of revised lists as he may require for the purpose of making up a register of county electors.

**93.—**(1.) Nothing in this Act shall alter the metropolitan police district, nor (save as is expressly provided with respect to contributions in substitution for local grants) affect the metropolitan police force, or the raising of money for the same, and nothing in this Act shall affect the police of the City of London. Saving for  
Metropolitan  
and City  
Police.

(2.) Nothing in this Act shall authorise any county council to raise any sum for the purposes of any police force by any contribution or rate levied within the metropolitan police district; and nothing in this Act shall alter the authority under the Riot (Damages) Act, 1886, within the metropolitan police district or the City of London. 49 & 50 Vict.  
c. 38.

**94.** The grant made by the county council of London in respect of indoor paupers shall be in addition to any payment made out of the metropolitan common poor fund, and nothing in this Act shall affect the enactments relating to the fund. Saving for  
metropolitan  
common  
poor fund.

**95.—**(1.) Any enactment providing that any magistrate, commissioner, or other officer shall be a justice of the peace for Middlesex, shall be construed to refer to the county of London as well as the county of Middlesex. Saving as to  
Middlesex,  
Surrey, and  
Kent.

(2.) Where any enactment, deed, instrument, or document refers to the county of Middlesex, Surrey, or Kent, such enactment, deed, instrument, or document shall be construed to apply to the same area to which it would have applied if this Act had not passed, except where such application is inconsistent with this

A.D. 1888. — Act, or where the object of such enactment, deed, instrument, or document requires that it shall be construed to apply to the county of London.

Saving for  
Middlesex  
Land  
Registry.

96. Nothing in this Act shall alter the area to which the enactments relating to the registration of land in the county of Middlesex apply, and any reference in those enactments or in any deed, instrument, or document made or issued under or for the purpose of those enactments, to the county of Middlesex, shall be construed to apply to the same area to which it would have applied if this Act had not passed.

Saving as to  
liability for  
main roads.

97. Nothing in this Act with respect to main roads shall alter the liability of any person or body of persons, corporate or unincorporate, not being a highway authority, to maintain and repair any road or part of a road.

Saving for  
powers of  
Commissioners of  
Inland  
Revenue and  
Customs.

98. Notwithstanding anything in the foregoing sections of this Act, the Commissioners of Inland Revenue and the Commissioners of Customs, and the officers of those Commissioners respectively, shall have the same powers in relation to any articles subject to any duty of customs or excise, manufactured, imported, kept for sale, or sold, and any premises where the same may be, and to any machinery, apparatus, vessels, utensils, or conveyances used in connexion therewith or the removal thereof, and in relation to the person manufacturing, importing, keeping for sale, or having the custody of the same, as they would have had if this Act had not passed, and any licences transferred in pursuance of this Act had continued to be granted by the Commissioners of Inland Revenue.

### *Definitions.*

Definition of  
"written."

99. All notices and documents required by this Act to be in writing may be in writing or print, or partly in writing and partly in print, and for the purposes of this section "print" includes any mechanical mode of reproduction.

Interpreta-  
tion of  
certain terms  
in the Act.

100. In this Act, if not inconsistent with the context, the following terms have the meanings hereinafter respectively assigned to them; that is to say:

The expression "county" does not include a county of a city or county of a town:

The expression "entire county" means, in the case of a county divided into administrative counties, the whole of the county formed by those administrative counties.

The expression “division of a county,” in the provisions of this Act respecting the property of quarter sessions, includes any hundred, lathe, wapentake, or other like division : A.D. 1888.

The expression “administrative county,” means the area for which a county council is elected in pursuance of this Act, but does not (except where expressly mentioned) include a county borough :

The expression “metropolis” means the city of London and the parishes and places mentioned in Schedules A., B., and C. to the Metropolis Management Act, 1855, as amended by subsequent Acts : 18 & 19 Vict.  
c. 120.

The expression “borough” means any place for the time being subject to the Municipal Corporations Act, 1882, and any reference to the mayor, aldermen, and burgesses of a borough shall include a reference to the mayor, aldermen, and citizens of a city : 45 & 46 Vict.  
c. 50.

The expression “quarter sessions borough” means a borough having a separate court of quarter sessions and includes a county of a city and a county of a town, subject to the Municipal Corporations Act, 1882 :

The expression “quarter sessions” as respects any county, riding, division, or liberty, means the justices in quarter or general sessions assembled, and includes justices assembled in gaol sessions, annual general sessions, and adjourned sessions, and as respects any borough, means any court of quarter or general sessions held for the borough or for any county of a city or town consisting of the borough, whether held by the recorder or by justices, and as respects the city of London, means the court of the mayor and aldermen in the inner chamber :

The expression “parish” means a place for which a separate overseer is or can be appointed, and where part of a parish is situate within, and part of it without, any county, borough, urban sanitary district, or other area, means each such part :

The expressions “parliamentary county,” and “parliamentary election,” and “parliamentary voters,” have the same meaning as in the Registration Act, 1885, and the Acts therein referred to : 48 & 49 Vict.  
c. 15.

The expression “Secretary of State” means one of Her Majesty’s Principal Secretaries of State :

The expression “Treasury” means the Commissioners of Her Majesty’s Treasury :

The expression “Bank of England” means the Governor and Company of the Bank of England :

A.D. 1888.

The expression “existing” means existing at the time specified in the enactment in which the expression is used, and if no such time is expressed, then at the day appointed to be for the purpose of such enactment the appointed day :

4 & 5 W. 4.  
 c. 76.

The expression “guardians” means guardians elected under the Poor Law Amendment Act, 1834, and the Acts amending the same, and includes guardians or other bodies of persons performing under any local Act the like functions to guardians under the Poor Law Amendment Act, 1834 :

The expression “poor law union” means any parish or union of parishes for which there is a separate board of guardians :

The expressions “district council” and “county district” mean respectively any district council established for purposes of local government under an Act of any future session of Parliament, and the district under the management of such council, and until such council is established, mean respectively—

(a.) as regards the provisions of this Act relating to highways and main roads, a highway authority and highway area ; and

(b.) save as aforesaid, an urban or rural sanitary authority within the meaning of the Public Health Act, 1875, and the district of such authority :

38 & 39 Vict.  
 c. 55.

The expression “highway area,” means, as the case may require, an urban sanitary district, a highway district, or a highway parish not included within any highway or urban sanitary district :

The expression “highway authority” means, as respects an urban sanitary district, the urban sanitary authority, and as respects a highway district, the highway board, or authority having the powers of a highway board, and as respects a highway parish, the surveyor or surveyors of highways or other officers performing similar duties :

The expression “urban authority” means, until the establishment of district councils as aforesaid, an urban sanitary authority ; and after their establishment, the district council of an urban county district :

The expression “rural authority” means, until the establishment of district councils as aforesaid, a rural sanitary authority ; and, after their establishment, the district council of a rural county district :

The expression “person” includes any body of persons, whether corporate or unincorporate :



A.D. 1888.

Any expression referring to the value of any parish, borough, or area as ascertained by the standard or basis for the county rate or contributions shall, where any rateable value has been fixed by agreement between the councils of any county and county boroughs be that value, and subject thereto shall, in the case of any parish, borough, or area for which there is no such standard or basis, refer to the total rateable value as determined by the last valuation lists, or if there is no valuation list, by the last poor rates for such parish or the parishes comprised in such borough or area; and where an area is authorised or directed by this Act to be assessed to any contributions or rates, the same shall, unless otherwise provided by law, be assessed according to the standard or basis for the county rate :

The expression “property” includes all property, real and personal, and all estates, interests, easements, and rights, whether equitable or legal, in, to, and out of property real and personal, including things in action, and registers, books, and documents; and when used in relation to any quarter sessions, clerk of the peace, justices, board, sanitary authority, or other authority, includes any property which on the appointed day belongs to, or is vested in, or held in trust for, or would but for this Act have, on or after that day, belonged to, or been vested in, or held in trust for, such quarter sessions, clerk of the peace, justices, board, sanitary authority, or other authority; and the expression “property” shall further include, in the case of the county of Chester, any surplus revenue of the River Weaver Trust, which is or would but for this Act be payable to the quarter sessions :

The expression “powers” includes rights, jurisdiction, capacities, privileges, and immunities :

The expression “duties” includes responsibilities and obligations :

The expression “liabilities” includes liability to any proceeding for enforcing any duty or for punishing the breach of any duty, and includes all debts and liabilities to which any authority are or would but for this Act be liable or subject to, whether accrued due at the date of the transfer or subsequently accruing, and includes any obligation to carry or apply any money to any sinking fund or to any particular purpose :

The expression “powers, duties, and liabilities,” includes all powers, duties, and liabilities conferred or imposed by or arising under any local and personal Act :



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The expression "expenses" includes cost and charges:

The expression "costs" includes charges and expenses:

The costs of assizes and of quarter and petty sessions include such of the following costs as are applicable, that is to say, the costs of maintaining and providing the courts and offices and the judges' lodgings, the salaries and remuneration of a chairman of quarter sessions, clerks of assize, clerks of the peace, clerks of the justices, and other officers, the costs of the jury lists, the costs of rewards ordered to be paid by the court, the costs of prosecutions including the costs of the defendant's witnesses, and all other costs incidental to the assizes, quarter sessions, petty sessions, or the judges, but nothing shall require a quarter sessions borough to contribute towards the costs of prosecutions at assizes except in the case of prisoners committed for trial from the borough:

The expression "assizes" includes the Central Criminal Court:

The expression "pension" includes any superannuation allowance, gratuity, or other payment made on the retirement of any officer:

The expression "office" includes any place, situation, or employment, and the expression "officer" shall be construed accordingly:

The expression "the divisions of Lincolnshire" means the parts of Holland, the parts of Kesteven, and the parts of Lindsey:

19 & 20 Vict.  
c. 69.

The expression "County and Borough Police Act, 1856," means the Act of the session of the nineteenth and twentieth years of the reign of Her present Majesty, chapter sixty-nine, intituled "An Act to render more effectual the police in counties and boroughs in England and Wales," and the expression "County and Borough Police Acts" means the County and Borough Police Act, 1856, and the Acts therein recited:

The expression "main road" when used in relation to the district of any highway or road authority, means so much of the main road as is situate within the district of such authority.

In relation to the election of county councillors, the day of nomination shall be deemed to be the day on which the names of the persons nominated are fixed on the Town Hall or other conspicuous place.

Extent of  
Act.  
Short title.

101. This Act shall not extend to Scotland or Ireland.

102. This Act may be cited as the Local Government Act, 1888.

PART VI.

A.D. 1888.

TRANSITORY PROVISIONS.

*First Election of County Councillors.*

103.—(1.) The first election of county councillors under this Act shall be held in the month of January next after the passing of this Act on such day in each county not earlier than the fourteenth day of January as the returning officer for that county may fix, and the returning officer shall publish notice of such day in the preceding month of December, and the day so fixed shall be deemed for the purposes of the first election to be the ordinary day of election of county councillors.

First election of county councillors.

(2.) The sheriff of each county shall be the returning officer for such first election, but if the sheriff desires to be a candidate at such election the county quarter sessions on his application may appoint another person to be the returning officer, and the person so appointed shall, for the purpose of such election, have the powers and duties of the sheriff.

(3.) At the first election, the returning officer may, if it appears to him necessary, divide an electoral division into polling districts, so however that every polling district shall be an area or a combination of areas for which separate parts of the register of electors are made out, and he shall settle and give proper notice of the places at which the poll for each electoral division, or district of a division, shall be taken.

(4.) The clerk of the peace who will by virtue of this Act become the clerk of the county council when elected, shall make up the county register and division registers of the county electors for the purposes of the first election, and shall deliver the same to the returning officer, and every clerk of the peace who has in his custody any revised lists of electors required for making up such registers, shall supply to the above-mentioned clerk of the peace such number of copies of those lists as he may require for the purpose of making up the said registers.

(5.) The returning officer shall send to the clerk of the peace, who will by virtue of this Act become the clerk of the county council, the names of the persons elected, and shall send to each person elected a county councillor notice of his election, accompanied by a summons to attend the first meeting of the provisional council fixed by this Act at such time and place as the returning officer may fix.

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(6.) The costs properly incurred by the returning officer in reference to the first election, and in reference to such first meeting of the provisional council, shall be defrayed as expenses of the county council, and may be taxed on an application made by or by direction of the provisional council.

(7.) In the administrative county of London, the returning officer for the first election shall be such fit person as the Local Government Board may appoint, and such returning officer shall, for the purposes of such election, have the powers and duties of the sheriff, and any sheriff, under-sheriff, officer of the London School Board, or other public officer having authority in the Metropolis, and being in possession of any ballot boxes or other fittings or arrangements for an election shall permit such returning officer to use the same for the purposes of such first election.

(8.) Such returning officer shall make up the county register and division registers of the county electors for the purposes of the first elections, and shall make them up out of the lists of voters made out in the year one thousand eight hundred and eighty-eight for the City of London, and for such portions of the counties of Middlesex, Surrey, and Kent, as are comprised in the Metropolis, and shall make the necessary alteration in the forms of those lists, and the secondary of the City of London, and the town clerks within the meaning of the Registration Acts for the parliamentary boroughs in the administrative county of London, and the clerks of the peace of Middlesex, Surrey, and Kent, shall deliver to the said returning officer such number of copies of the revised lists of electors as he may require. The returning officer for the administrative county of London shall send the names of the persons elected to the clerk of the Metropolitan Board of Works.

(9.) The court of quarter sessions in any county, and the Metropolitan Board of Works in the Metropolis, shall advance to the returning officer such sum as is authorised by this Act to be advanced by county councils to returning officers for the purposes of an election.

(10.) The sheriff having authority in any administrative county, or the largest part thereof, shall for the purposes of this Act be deemed to be the sheriff of that county.

Retirement  
of first  
county  
councillors.

104.—(1.) The county councillors of a county council elected at the first election shall retire from office on the ordinary day of election in the third year after the passing of this Act, and their places shall be filled by election.

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(2.) Of the first county aldermen one half shall retire on the ordinary day of election of county aldermen in the third year next after the passing of this Act, and the one half who are so to retire shall be determined by ballot by the provisional councillors at the time of the election of the county aldermen: Provided that where the total number of aldermen is not divisible by two the larger half shall first retire.

(3.) The remaining half of the county aldermen shall retire on the ordinary day of election of county aldermen in the sixth year next after the passing of this Act.

(4.) In this section the word "year" shall be construed to mean calendar year.

**105.**—(1.) The members of a county council first elected under this Act shall not enter on their ordinary duties or become the county council until the first day of April next after their election, or such other day as on the application of the provisional council the Local Government Board may appoint.

Preliminary  
action of  
county  
councillors  
as pro-  
visional  
council.

(2.) Such members shall, on the second Thursday next after the day fixed for the first election, and thenceforward from time to time until the day above mentioned in this section, meet and act as a provisional council for arranging to bring this Act into operation.

(3.) The provisional councillors shall at their first meeting elect one of their number to be chairman of that meeting and of the second meeting, and shall then at that meeting, or some adjournment thereof, proceed to elect the county aldermen in like manner as if they were a fully constituted county council, and such county aldermen shall be summoned to attend at the second meeting of the provisional council, and shall form part of the provisional council both for the election of chairman and all other purposes.

(4.) The provisional council shall, at their second meeting, or some adjournment thereof, proceed to elect as their chairman a person qualified to be chairman of the county council, and may from time to time fill any vacancy in the office of such chairman, and the person elected chairman shall be chairman of the provisional council, and also on and after the appointed day of the county council, and the term of office of such chairman shall end on the next ordinary day of election of chairman.

(5.) This enactment shall extend to the vice-chairman and deputy chairman.



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First pro-  
ceedings of  
provisional  
council.

**106.**—(1.) The provisional council after disposing of the preliminary business shall proceed to provide for bringing the various provisions of this Act into full operation on the appointed day or days, and to make the necessary arrangements with the quarter sessions, and with reference to the distribution of duties among the different officers, and to provide for all matters which appear necessary or proper for enabling the county council as constituted under this Act to execute their duties, and for giving full effect to this Act.

(2.) The provisions of this Act, and the enactments applied by this Act with respect to the proceedings of the county council, shall apply to the proceedings of the provisional council, and any act of the provisional council may be signified under the hand of the chairman and any two members of the council present at the meeting, and countersigned by the officer acting as their clerk.

(3.) The provisional council of a county shall be entitled to use the buildings belonging to the quarter sessions of that county, so that they do not interfere with the holding of any court, and the clerk of the peace and his officers, and the officers of the quarter sessions shall, if required, act as the officers of such provisional council and further the provisional council may from time to time hire such buildings and appoint such interim officers as appear to them necessary for the performance of their duties, and the costs incurred in the hiring of such buildings and payment of such officers or otherwise in the performance of their duties shall be defrayed as costs properly incurred by the county council.

(4.) There shall be paid out of the county rate to the clerk of the peace of the county, such reasonable remuneration as the court of quarter sessions may award for extra services rendered by him in bringing this Act into operation, and in acting as clerk of the county council, until his salary for acting as such clerk is fixed in manner provided by this Act.

(5.) In the metropolis the foregoing provisions with respect to the use of buildings and the action of officers shall apply as if the Metropolitan Board of Works were the quarter sessions of the county, and as if any quarter sessions for the counties of Middlesex, and Surrey were the quarter sessions of the county of London, but the provisional council for the administrative county of London shall make arrangements with the provisional councils of Middlesex and Surrey as respects the use of buildings and the employment of



*Part VI.—Transitory Provisions.*

the clerk of the peace and his officers and the officers of the quarter sessions. A.D. 1888.

(6.) The provisional council shall have the same power of levying contributions for the purpose of their costs and for the future costs of the county council as they would have if they were constituted a county council under this Act.

(7.) The quarter sessions of every county and liberty, and in the metropolis the Metropolitan Board of Works, shall, by the appointment of committees, or the holding of sessions and meetings, and otherwise, make such provisions as are necessary or proper for making arrangements with the provisional council for carrying this Act into effect; and the quarter sessions may, after the appointed day, meet in like manner as if this Act had not passed, for the purpose of receiving reports from the committees and county officers for the period subsequent to the last quarter sessions and prior to the appointed day, and for making the ordinary quarterly payments, the usual sessional orders, and otherwise concluding and winding up the business of the county.

*General Provision as to First Elections.*

107.—(1.) If at the first election a person is elected a county councillor for more than one electoral division of a county his choice as to the division for which he will serve shall be made by writing addressed to the returning officer, and if not so made, the returning officer shall, on or before the day for the first meeting of the provisional council, determine the division for which such person shall sit. Casual vacancies at first elections.

(2.) Any casual vacancy arising at the first election from a person being elected for more than one electoral division or being elected a county alderman or from a failure of election or otherwise, may be filled in like manner as a casual vacancy in the county council may be filled, and the sheriff or other officer authorised to act as returning officer at the first election shall be the returning officer at any election held to fill a casual vacancy before the appointed day.

(3.) Such number of members as have been elected for a county council at the first election shall subject to any order of the Local Government Board to the contrary under this Act proceed to act as a provisional council under this Act, notwithstanding any vacancy or vacancies arising from failure of election or otherwise.

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(4.) In case of equality of votes at the first or second meeting of a provisional county council, the chairman of the meeting shall have a second or casting vote, and where on the selection of the chairman of the meeting an equal number of votes is given to two or more persons, the meeting shall determine by lot which of those persons shall be the chairman.

(5.) The first meeting of the county council shall be held on the day appointed for the council coming into office, and shall be convened by the chairman of the provisional county council.

(6.) Such first meeting, and also the first meeting of the provisional county council, shall be convened in like manner as meetings of the county council are required by this Act, and the enactments applied by this Act, to be convened, and as if the person convening the same were the chairman.

Power of  
Local  
Government  
Board to  
remedy  
defects.

**108.**—(1.) If from any cause there is no returning officer able to act in any county at the first election of a county council, or no register of electors properly made up, or no proper election takes place, or an election of an insufficient number of persons takes place, or any difficulty arises as respects the holding of the first election of county councillors, or as to the first meeting of a provisional council, the Local Government Board may by order appoint a returning officer or other officer, and do any matter or thing which appears to them necessary for the proper holding of the first election, and for the proper holding of the first meeting of the provisional council, and may, if it appears to them necessary, direct a new election to be held, and fix the dates requisite for such new election. Any such order may modify the provisions of this Act and the enactments applied by this Act so far as may appear to the Board necessary for the proper holding of the first election and first meeting of the provisional council.

(2.) The Local Government Board in the case of the first election may also authorise an electoral division to return two or more members, in any case where the difficulties arising out of the registers of voters and the population of any area appear to render it necessary, and may also authorise portions of two or more county districts, or wards for which a separate register can be made, to be united for the purpose of an electoral division.

(3.) The Local Government Board, on the application of a county council or provisional council, may within six months after the day fixed for the first election of the councillors of such council, from time to time, make such orders as appear to them

*Part VI.—Transitory Provisions.*

necessary for bringing this Act into full operation as respects the council so applying, and such orders may modify any enactment in this or any other Act, whether general or local and personal, so far as may appear to the Board necessary for the said purpose. A.D. 1888

(4.) The Local Government Board may also, if satisfied that an election cannot properly be held for any county council by reason of the electoral divisions not having been duly made, cause such steps to be taken as they consider necessary for constituting such electoral divisions and making up the registers of electors.

*Appointed Day.*

**109.**—(1.) Subject as in this Act mentioned, the appointed day for the purposes of this Act shall in each county be the first day of April next after the passing thereof, or such other day, earlier or later, as the Local Government Board (but after the election of county councillors for such county on the application of the provisional council or county council) may appoint, either generally or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act, whether contained in the same section or in different sections or for different counties. Appointed day.

(2.) Any enactment of this Act authorising anything to be done by the Commissioners of Inland Revenue or the Local Government Board, or relating to the registration of electors, or to the elections, or to any matter required to be done for the purpose of bringing this Act into operation on the appointed day, shall come into effect on the passing of this Act; but, save as aforesaid, and save so far as there may be anything in the context inconsistent therewith, any enactment of this Act shall come into operation on the appointed day.

*Transitional Proceedings.*

**110.**—(1.) Every rate and precept for contributions made before the appointed day may be levied and collected, and proceedings for the enforcement thereof taken in like manner as nearly as may be as if this Act had not passed. Current rates, jury lists, &c.

(2.) The accounts of all receipts and expenditure before the appointed day shall be audited, and disallowances, surcharges, and penalties recovered and enforced, and other consequential proceedings had in like manner as nearly as may be as if this Act

A.D. 1888.

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had not passed, and every officer whose duty it is to make up any accounts, or to account for any portion of the receipts or expenditure in any account, shall, until the audit is completed, be deemed for the purpose of such audit to continue in office and be bound to perform the same duties and render the same accounts, and be subject to the same liabilities as before the appointed day.

(3.) In the counties of Middlesex, Kent, and Surrey, the lists of jurors in force on the appointed day shall continue in force until the lists which are next made come into force, and all jurors summoned before the appointed day shall attend after that day as if summoned in accordance with this Act.

(4.) All proceedings, legal and other, commenced before the appointed day, may be carried on in like manner, as nearly as may be, as if this Act had not passed, and may be so carried on by the county council in substitution for the authorities by whom such proceedings were commenced. Every legal proceeding commenced before the appointed day may be amended in such manner as may appear necessary or proper in order to bring the same into conformity with the provisions of this Act.

(5.) Every militiaman enlisted before the appointed day shall continue liable to serve in the same corps as if this Act had not passed.

Transitory  
provisions  
as to lunatic  
asylums.

**111.**—(1.) Any committee for providing an asylum for pauper lunatics, or any committee of visitors of an asylum for pauper lunatics holding office on the day fixed for the first election of county councillors under this Act, shall continue to hold office until the expiration of one week after the county council have elected a committee for the like purposes and no longer.

(2.) Any committee elected by the county council shall come into office at the expiration of the said week, and shall be deemed to be a continuance of the old committee of visitors elected by the quarter sessions.

(3.) All visitors of an asylum appointed on behalf of a borough or subscribers who are visitors at the date of the first election of the county council under this Act shall continue to be such visitors until the annual election of visitors which happens next after such election.

(4.) Anything done in pursuance of the enactments relating to pauper lunatics by the quarter sessions or any committee thereof before the appointment of any committee by the county council shall have effect as if it had been done by the county council or by a committee elected by the county council.



*Part VI.—Transitory Provisions.*

(5.) Where there is a joint committee of visitors for two or more counties or boroughs, this section shall apply to each portion of the committee appointed by the justices of any such county, or by the justices or council of any such borough, in like manner as if it were a separate committee. A.D. 1888.

112.—(1.) Every executive committee appointed by the quarter sessions under the Contagious Diseases (Animals) Acts, and holding office on the appointed day, shall continue to hold office until the expiration of one week after the county council shall have appointed a committee for the like purpose, and no longer. Transitory provisions as to Contagious Diseases (Animals) Acts.

(2.) An executive committee appointed by the county council shall come into office at the expiration of the said week, and shall be deemed to be a continuance of the outgoing executive committee.

(3.) Every sub-committee of an executive committee under the said Acts holding office on the appointed day shall continue in office until a sub-committee for the like purposes shall be appointed by the county council, or by the executive committee appointed by the county council.

(4.) Every committee and sub-committee continued in office by virtue of this section shall, during such continuance, have all such powers as it would have had if this Act had not been passed.

*Transitory Provisions as to Metropolis.*

113.—(1.) The first sheriffs appointed by Her Majesty for the county of Middlesex and for the county of London may be nominated and appointed at the same time as the sheriff of any other county in England, and each of such sheriffs when appointed may make the declaration, and shall enter upon office, in like manner and at the like time as any other sheriff. Transitory provision as to sheriffs of London and Middlesex.

(2.) Upon the first sheriff of Middlesex so entering into office, the sheriffs of London shall cease to have jurisdiction in the county of Middlesex.

(3.) Upon the first sheriff of the county of London so entering into office, the area which will become that county shall, for the purpose of the sheriff, be considered to be the county of London, and the sheriffs of the City of London shall cease to have any jurisdiction in the said area, and the sheriffs of Surrey and Kent shall cease to have any jurisdiction within the said area.

(4.) Provided that for the purpose of any sessions of the peace held by the justices of the counties of Middlesex, Surrey, and Kent, after



A.D. 1888. — the sheriff has so entered into office but prior to the date at which the justices of the county of London will come into office, the sheriffs of Middlesex, Surrey, and Kent shall continue to act and have jurisdiction as such sheriffs throughout those portions of the Metropolis which originally formed part of those counties.

(5.) Lists of prisoners, writs, process, and particulars, and all records, jury lists, books, and matters appertaining to the county of Middlesex, and to such parts of the counties of Surrey and Kent as are included in the Metropolis, shall be delivered, turned over, transferred, and signed in like manner in all respects, so nearly as circumstances admit, as is required to be done upon a new sheriff coming into office, in like manner as if the sheriff of Middlesex appointed by Her Majesty were as respects such part of the county as will after the appointed day be the county of Middlesex, the new sheriff in succession to the sheriffs of London, and as if the sheriff of the county of London appointed by Her Majesty were, as respects the area of the Metropolis exclusive of the City, the successor to the sheriffs of London, Surrey, and Kent.

(6.) If any question arises as to the delivery, turning over, transfer, or signature under this section, or any other matter relating to the change in the office of sheriff in the Metropolis, such question shall be referred to the Lord High Chancellor, whose decision shall be final.

As to  
existing  
coroners for  
Middlesex,  
Surrey, and  
Kent.

114.—(1.) The persons who at the passing of this Act are coroners for any districts which become wholly or partly by virtue of this Act part of the county of London, shall continue to act for such districts until otherwise directed as herein-after mentioned, and while so continuing to act shall, as respects such part of their districts as is within the county of London, be deemed to be coroners for the county of London, and the amount payable in respect of the salaries, fees, and expenses of any such coroner, where the district is partly within and partly without the county of London, shall be apportioned between the counties in which such district is situate.

(2.) In the case of any coroner's district being situate partly within and partly without the county of London, the county councils of the counties in which such district is situate shall arrange for the alteration in manner provided by law of the district, so that on the next avoidance of the office of coroner, or any earlier date fixed when the alteration is made, the coroners districts shall not be situate in more than one county.

(3.) For the purposes of this Act respecting compensation, the coroners shall be deemed to be officers of the quarter sessions of the county for which they are coroners. A.D. 1888.

115.—(1.) A commission of the peace for the county of London may be issued at any time after the passing of this Act, which shall be provisional until the appointed day, and the justices acting under such commission shall until the appointed day act provisionally for the purpose of bringing this Act into operation, and may from time to time be convened, and meet and conduct their proceedings in like manner in all respects as if they were the justices of a county, and they shall proceed to make such arrangements as appear necessary or proper for bringing this Act into operation, and may for that purpose appoint any committee or committees, either alone or jointly with any quarter sessions or provisional council. As to commission of the peace for London.

(2.) Nothing in this section shall confer on such justices any power to act as justices or as quarter sessions, nor any judicial jurisdiction, nor constitute any part of the Metropolis a county for the purposes of justices and quarter sessions until the appointed day.

(3.) Any sessions of the peace held after the appointed day may be convened by the said justices acting provisionally before the said day, and the first sessions of the peace held after the appointed day shall be deemed to be legally held, although no justice there present has taken the oaths required by law to be taken by justices of the peace, and any justice may nevertheless take the oaths at such sessions.

(4.) The clerk of the peace for Middlesex holding office at the passing of this Act shall act as the clerk to the said justices for the county of London when acting provisionally in pursuance of this Act.

(5.) The fees payable to the clerk of the peace and clerks of the justices, and other officers and authorities in Middlesex, at the passing of this Act, shall be the first fees which may be taken in the county of London by the clerk of the peace, the clerks to the justices, and other officers and authorities in the county of London, and may continue to be taken until they are abolished or altered in manner provided by law with respect to the abolition and alteration of such fees.

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As to places  
for holding  
quarter  
sessions.

**116.** Until a scheme respecting the holding of courts of quarter sessions in the county of London comes into force, the following regulations shall be observed :—

- (a.) Courts of quarter sessions for the trial of persons charged with offences shall be held at Clerkenwell and Newington, and courts of quarter sessions for appeals and other business shall be held at the places in London at which sessions are usually held at present, or at such of the said places as the county council may from time to time appoint; and courts of quarter sessions for the said purposes shall be respectively held at the same times, as nearly as may be, at each such place as heretofore;
- (b.) Cases triable at quarter sessions for the county of London shall (save as otherwise directed by the court of quarter sessions) be heard and determined, if they arose on the north side of the River Thames, at Clerkenwell, and if they arose on the south side of the River Thames, at Newington; and persons shall be committed for trial, and bail and recognizances shall be taken, and depositions, recognizances, documents, and things transmitted in such manner as appears necessary for carrying into effect this section, but a committal for trial or recognizance shall not be invalidated, nor shall the powers of the quarter sessions be affected by any disregard of this enactment, and every court of quarter sessions held in and for the county of London at whatever place such court is held shall have complete power to hear and determine any case arising in the county of London, notwithstanding an objection that the case ought to be heard and determined at the sessions held at another place in the county of London;
- (c.) Every sessions shall, as the circumstances require, be deemed to be quarter or general sessions, and if held at different places to be original sessions or adjourned sessions, and if held simultaneously at two or more places to be divided courts of the same sessions;
- (d.) Every matter, civil or criminal, arising before the appointed day which would have been heard, tried, determined, or otherwise dealt with by any court of quarter sessions or assessment sessions, or any justices or otherwise, may be heard, tried, determined, and dealt with in like manner as if this Act had come into operation before the said matter arose, and recognizances existing at the appointed day shall have effect

*Part VI.—Transitory Provisions.*

and be enforced in like manner, so nearly as circumstances admit, as they would have been if this Act had not passed; and where any trial, motion, or other matter has been adjourned from any previous court of quarter sessions, assessment sessions, special sessions, or petty sessions, and would if this Act had previously come into operation have been heard, determined, or otherwise dealt with at sessions held under this Act, the same shall be heard and determined and otherwise dealt with at the sessions held under this Act in like manner as if the same were held by the same justices by whom the same would have been held if this Act had not passed.

A.D. 1888.

117.—(1.) Nothing in this Act shall prevent a person who is an existing justice of the peace for any of the counties of Middlesex, Surrey, or Kent, from continuing to be a justice of the peace for that county, and every such person and also every person who at the appointed day is a justice of the peace for the liberty and city of Westminster, the liberty of the Tower of London, or any liberty which by virtue of this Act becomes part of the county of London, shall, if and so long as he is resident or occupies property in the county of London, be a justice of the peace for that county in like manner as if he were assigned by a commission of the peace, but a person shall not after the passing of this Act be named in any commission as a justice of the peace for any liberty which by virtue of this Act becomes part of the county of London.

As to existing justices in metropolis.

(2.) Provided always, that the provisions of this section shall not apply to any justice of the peace of the counties of Surrey, Kent, or Middlesex, or either of them, so long as he shall hold any office connected with any court of quarter sessions of the county of London.

(3.) The persons who at the passing of this Act are members of a visiting committee of any prison situate in the county of London shall continue to form such visiting committee until a new visiting committee has been appointed in accordance with a rule of the Secretary of State.

(4.) Where a person is a justice of the peace in and for the county of London by reason of his being personally declared by this Act to be a justice of the peace in and for the county of London, the Lord High Chancellor shall have the same power of removing such person from being a justice of the peace as if he were named in a commission of the peace.

(5.) The existing assistant judge of the court of the sessions of the peace for the county of Middlesex shall cease to be chairman



A.D. 1888. of that court, and shall be the first chairman of the court of quarter sessions of the county of London, and while he holds his office he shall receive such salary, not less than what he has hitherto received, as Her Majesty, on the petition of the county council, may assign, and the enactments respecting the appointment and payment of a deputy assistant judge or of a person to preside at a second court at any sessions in the county of Middlesex shall apply to the county of London, and upon the said assistant judge ceasing to hold office shall be repealed.

(6.) Nothing in this Act shall affect existing deputy lieutenants appointed by the Constable of the Tower of London as Lord Lieutenant of the Tower Hamlets.

### *Existing Officers.*

Existing  
clerks of the  
peace and  
other officers.

118.—(1.) A person holding office at the appointed day as clerk of the peace of a county, besides continuing to be such clerk of the peace shall, subject to the provisions respecting certain counties in this Act mentioned, become the clerk of the county council, and if appointed before the passing of this Act shall, notwithstanding anything in this Act, hold his offices by the same tenure and have the same power of appointing and acting by a deputy as heretofore in his capacity of clerk of the peace.

(2.) A person holding office at the passing of this Act as clerk of the peace, clerk of the general assessment sessions, or salaried clerk of a petty sessional division, shall be deemed to be an existing officer within the meaning of the provisions of this Act relating to compensation to existing officers who suffer pecuniary loss.

(3.) The person who at the appointed day is clerk of the peace for Sussex, if he held office at the passing of this Act, shall be clerk of the peace for East Sussex and clerk of the peace for West Sussex, and clerk of the peace for the justices of Sussex in general sessions assembled.

(4.) Such person shall also be clerk of the county council for East Sussex, and clerk of the county council for West Sussex, and shall, notwithstanding anything in this Act, hold his offices by the same tenure and have the same power of appointing and acting by a deputy as heretofore in his capacity of clerk of the peace.

(5.) The person who at the appointed day is clerk of the peace for Suffolk, if he held office at the passing of this Act, shall be clerk of the peace for East Suffolk and clerk of the peace for West Suffolk,



and clerk of the peace for the justices of Suffolk in general sessions assembled. A.D. 1888.

(6.) Such person shall also be clerk of the county council for East Suffolk and clerk of the county council for West Suffolk; and shall, notwithstanding anything in this Act, hold his offices by the same tenure and have the same power of appointing and acting by a deputy as heretofore.

(7.) This section shall apply to the persons holding office at the appointed day as clerk of the peace and deputy clerks of the peace for the county of Lancaster, in like manner as it applies to clerks of the peace of other counties.

(8.) The person who, at the appointed day, is clerk of the peace for Middlesex, if he held office at the passing of this Act, shall continue to be that clerk, and, subject to the provisions of this Act, shall also be the first clerk of the peace for the county of London, and shall, notwithstanding anything in this Act, hold the office of clerk of the peace for each of the said counties by the same tenure and have the same power of appointing and acting by a deputy as heretofore.

(9.) The person who, at the appointed day, is the clerk of the gaol sessions in Yorkshire or Lincolnshire shall, if he holds office at the passing of this Act, continue to be that clerk, and shall also be the first clerk of the joint committee for the county councils of the three ridings or divisions of those counties, and shall hold that office by the same tenure and have the same power (if any) of acting by a deputy as heretofore.

(10.) If the person who at the appointed day is clerk of the peace for Surrey held office at the passing of this Act, then so long as he holds that office,—

(a.) He shall, besides continuing to be that clerk, continue to be clerk of the peace at any quarter sessions held for the county of London at Newington, and be, for the purpose of all business transacted at those quarter sessions, deemed to be the clerk of the peace for the county of London, and as such shall have the same power of appointing and acting by a deputy as heretofore in his capacity of clerk of the peace for Surrey; and

(b.) Such of the records of the county of Surrey as at the passing of this Act are in his custody at Newington, and, if

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this Act had not passed, would have remained in that custody, shall, subject to any order of the court of quarter sessions, continue to be kept in his custody at Newington.

(11.) The persons who at the appointed day are salaried clerks for the petty sessional divisions, wholly or in part in the county of London shall, if appointed before the passing of this Act, be as to so much of such divisions as are in the county of London, the first salaried clerks of the petty sessional divisions of the county of London, and as to so much of such divisions as are not in the county of London, such persons shall also be the first salaried clerks of the petty sessional divisions of the counties in which such parts are situate.

(12.) In the case of any of the following persons who, by virtue of this Act, become clerk of the peace for the county of London or salaried clerks of petty sessional divisions for the county of London, or who, for the purpose of all business transacted at the quarter sessions, held for the county of London at Newington, is to be deemed to be the clerk of the peace for the county of London, or who become clerk of the peace for East Sussex and clerk of the peace for West Sussex, or clerk of the peace for East Suffolk, and clerk of the peace for West Suffolk, their services as such clerks after the appointed day in the county of London, or in the administrative counties of East Sussex and West Sussex, or East Suffolk and West Suffolk, respectively, shall be deemed to be a continuous service with their service as clerks of the peace and clerks of petty sessional divisions in the counties of Middlesex, Surrey, and Kent respectively, and clerk of the peace for Sussex and Suffolk respectively.

(13.) All persons who at the appointed day hold office as county treasurer, county auditor, county solicitor, or county surveyor, or are officers (whether inspectors of weights and measures, public analysts, inspectors of petroleum or explosives, or other) of the quarter sessions or justices of the county, or of the assessment sessions in the metropolis, or any committee of such justices or any committee of visitors for lunatic asylums, or are servants under such sessions or justices and perform any duties in respect of the business transferred by or in pursuance of this Act to the county council, shall become the officers and servants of the county council.

(14.) All persons who at the appointed day are officers and servants of the Metropolitan Board of Works shall become the officers and servants of the London county council. A.D. 1888.

(15.) Every person who, on the appointed day, is the chief or other constable of the police force of any county, or is an officer or servant employed in connexion with that force, shall, after the said day, be chief or other constable of the police force of the same county under the standing joint committee appointed in pursuance of this Act, or be an officer or servant of a county council appointing a portion of such joint committee, as the case may be.

(16.) Where any constable at the appointed day belongs to the police force of any borough the council of which will by virtue of this Act cease to maintain a separate police force, such constable shall, after the said day, become a constable of the county police force, and the provisions of this Act with respect to officers of any authority who become officers of the county council shall apply to such constable, with the substitution of the standing joint committee for the county council.

119.—(1.) The officers and servants of the quarter sessions or general assessment sessions, or justices, or any committee of such sessions or justices, or of any committee of visitors for lunatic asylums, or of the Metropolitan Board of Works, or other authority, who held office at the passing of this Act, and who by virtue of this Act become officers and servants of a county council (in this Act referred to as existing officers), shall hold their offices by the same tenure and upon the same terms and conditions as if this Act had not passed, and while performing the same duties, shall receive not less salaries or remuneration, and be entitled to not less pensions (if any), than they would have if this Act had not passed, and where any such officer can only be removed with the consent of a Secretary of State or the Local Government Board, such consent shall be part of the tenure of his office. As to officers transferred to county councils.

(2.) The county council may distribute the business to be performed by existing officers in such manner as the council may think just, and every existing officer shall perform such duties in relation to that business as may be directed by the council.

(3.) The county council may abolish the office of any existing officer whose office they may deem unnecessary, but such officer shall be entitled to compensation under this Act.

(4.) The provisions of this section shall apply to the chief and other constables of any police force, and to any officers employed

A.D. 1888. — in connexion with such force, in like manner as if they were herein re-enacted with the substitution of the standing joint committee under this Act for the county council.

Compensation to existing officers.

120.—(1.) Every existing officer declared by this Act to be entitled to compensation, and every other existing officer, whether before mentioned in this Act or not, who by virtue of this Act, or anything done in pursuance of or in consequence of this Act, suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary, shall be entitled to have compensation paid to him for such pecuniary loss by the county council, to whom the powers of the authority, whose officer he was, are transferred under this Act, regard being had to the conditions on which his appointment was made, to the nature of his office or employment, to the duration of his service, to any additional emoluments which he acquires by virtue of this Act or of anything done in pursuance of or in consequence of this Act, and to the emoluments which he might have acquired if he had not refused to accept any office offered by any council or other body acting under this Act, and to all the other circumstances of the case, and the compensation shall not exceed the amount which, under the Acts and rules relating to Her Majesty's Civil Service, is paid to a person on abolition of office.

(2.) Every person who is entitled to compensation, as above mentioned, shall deliver to the county council a claim under his hand setting forth the whole amount received and expended by him or his predecessors in office, in every year during the period of five years next before the passing of this Act, on account of the emoluments for which he claims compensation, distinguishing the offices in respect of which the same have been received, and accompanied by a statutory declaration under the Statutory Declaration Act, 1835, that the same is a true statement according to the best of his knowledge, information, and belief.

5 & 6 Will. 4.  
c. 62.

(3.) Such statement shall be submitted to the county council, who shall forthwith take the same into consideration, and assess the just amount of compensation (if any), and shall forthwith inform the claimant of their decision.

(4.) If a claimant is aggrieved by the refusal of the county council to grant any compensation, or by the amount of compensation assessed, or if not less than one third of the members of such council subscribe a protest against the amount of the



compensation as being excessive, the claimant or any subscriber to such protest (as the case may be) may, within three months after the decision of the council, appeal to the Treasury, who shall consider the case and determine whether any compensation, and if so, what amount ought to be granted to the claimant, and such determination shall be final.

(5.) Any claimant under this section, if so required by any member of the county council, shall attend at a meeting of the council and answer upon oath, which any justice present may administer, all questions asked by any member of the council touching the matters set forth in his claim, and shall further produce all books, papers, and documents in his possession or under his control relating to such claim.

(6.) The sum payable as compensation to any person in pursuance of this section shall commence to be payable at the date fixed by the council on granting the compensation, or, in case of appeal, by the Treasury, and shall be a specialty debt due to him from the county council, and may be enforced accordingly in like manner as if the council had entered into a bond to pay the same.

(7.) If a person receiving compensation in pursuance of this section is appointed to any office under the same or any other county council, or by virtue of this Act, or anything done in pursuance of or in consequence of this Act, receives any increase of emoluments of the office held by him, he shall not, while receiving the emoluments of that office, receive any greater amount of his compensation, if any, than, with the emoluments of the said office, is equal to the emoluments for which compensation was granted to him, and if the emoluments of the office he holds are equal to or greater than the emoluments for which compensation was granted, his compensation shall be suspended while he holds such office.

(8.) All expenses incurred by a county council in pursuance of this section shall be paid out of the county fund, as a payment for general county purposes.

*Temporary Provision as to Grant from Exchequer.*

121.—(1.) In the financial year ending the thirty-first day of March one thousand eight hundred and eighty-nine the Commissioners of Inland Revenue shall from time to time, in such manner and under such regulations as the Treasury from time to time make, pay into the Bank of England to the Local Taxation Account—

(a.) such sum as may be ascertained in manner provided by the said regulations to be four fifth parts of one third of the

Grant and application of part of probate duty and of horse and wheel tax during the year ending 31st March 1889.



A.D. 1888.

44 & 45 Vict.  
c. 12.

proceeds of the sums collected by them in the said year in respect of the probate duties, and for the purpose of this section, the expression "probate duties" means the stamp duties charged on the affidavit required from persons applying for probate or letters of administration in England, Wales, or Ireland, and on the inventory exhibited and recorded in Scotland, and the stamp duties charged on such accounts of personal and movable property as are specified in section thirty-eight of the Customs and Inland Revenue Act, 1881, and includes the proceeds of all penalties and forfeitures recovered in relation to such stamp duties; and

(b.) such sum as may be ascertained in manner provided by the regulations to be the proceeds of the sums collected by them in the said year in respect of the duties on licences for trade carts, locomotives, horses, mules, and horse dealers under any Act of the present session.

(2.) The sums so paid shall be distributed by the Local Government Board as follows, that is to say,

(i.) in paying to every county, highway, and other local authority who have heretofore received out of moneys provided by Parliament a contribution to the cost of roads, or to the successors of such authority, sums calculated in like manner and according to the like scale and regulations as in the financial year ending on the thirty-first day of March one thousand eight hundred and eighty-eight;

(ii.) if the amount received by the local taxation account from the duties on licences for trade carts, locomotives, horses, mules and horse dealers under any Act of the present Session, exceeds the sum so payable to county and highway or other local authorities, the excess shall be divided between the metropolis and quarter sessions boroughs, in proportion to their rateable value, as ascertained by the valuation lists, or where there is no valuation list by the last poor rate;

(iii.) the share of the excess distributed to the metropolis shall be divided between the Commissioners of Sewers in the city of London and the vestries and district boards in the parishes in Schedule A and the districts in Schedule B to the Metropolis Management Act, 1855, as amended by subsequent Acts, according to rateable value as ascertained by the last valuation lists, and the share distributed to quarter sessions boroughs shall be paid to the councils of such boroughs;

18 & 19 Vict.  
c. 120.

*Part VI.—Transitory Provisions.*

A.D. 1888.

- (iv.) if any payment is made under the foregoing provisions of this section respecting roads to the council of any quarter sessions borough, or to any authority for a highway area wholly or partly situate in such borough, or to the highway authority of any parish or district in the metropolis, the share of such quarter sessions borough, parish, or district in the distribution of the balance shall be reduced by the amount of the said payment, and, if less than that amount, shall not be paid, and any sum arising from such reduction or non-payment shall be added to the balance and distributed accordingly;
- (v.) any sum payable in pursuance of this section to a county authority or the council of any borough, not being a highway authority, shall be paid to the county or borough fund as the case may be, but any other sum payable under the provisions of this section respecting roads, or respecting the division of the excess to any highway authority, commissioners of sewers, vestry, or district board, shall be applied in aid of the costs of the roads maintained by such authority, commissioners, vestry, or board;
- (vi.) any balance remaining after the above payments shall be divided among the counties in England and Wales, in accordance with the provisions of this Act with respect to the division of the probate duty grant, and for the purpose of such division the metropolis shall be deemed to be a county, and the share assigned to each county on such division shall be applied towards paying to the guardians of each poor law union wholly or partly situate in the county such sum as is directed by this Act to be annually paid by the county council of such county to such guardians;
- (vii.) any balance remaining after the payment to the guardians of such union shall be paid to the county council of the county upon its coming into office, and, if there is any county borough in the county, the sum so paid shall be included in the adjustment under this Act between the councils of the county and borough.
- (3.) Every local authority shall produce to the Local Government Board such evidence and comply with such rules as the Board may require or make for the purpose of effecting the distribution under this section.
- (4.) A certificate of the Local Government Board of the sum due to any authority under this section may be varied by that Board, but unless so varied shall be final.

A.D. 1888.

(5.) The Treasury may, from time to time during the financial year ending on the thirty-first day of March next after the passing of this Act, issue out of the Consolidated Fund or the growing produce thereof and pay to the Local Taxation Account such sums as appear to them to be required for the purpose of paying the highway authorities and county authorities such sums in respect of main roads as have been paid to them in previous years out of moneys provided by Parliament; and the sums so issued shall be treated as an advance, and shall be repaid to the Consolidated Fund out of the Local Taxation Account before any balance is distributed in manner provided by this section.

*Savings.*

Saving for  
existing  
securities  
and dis-  
charge of  
debts.

122.—(1.) Nothing in this Act shall prejudicially affect any securities granted before the passing of this Act on the credit of any rate or of any property by this Act transferred to a county council; and all such securities, as well as all unsecured debts, liabilities, and obligations incurred by any authority in the exercise of any powers or in relation to any property transferred from them to the county council under this Act shall be discharged, paid, and satisfied by such council.

(2.) Where for the purpose of satisfying any such security or any debt or liability, it is necessary to continue the levy of any rate or the exercise of any power which would have existed but for the provisions of this Act, such rate may continue to be levied and power to be exercised either by the authority who otherwise would have levied or exercised the same or by the county council as the case may require.

(3.) It shall be the duty of every authority whose powers, duties, and liabilities are transferred to any council by this Act to liquidate so far as practicable before the appointed day all current debts and liabilities incurred by such authority.

Saving for  
existing  
byelaws.

123. All such byelaws, orders, and regulations of the Privy Council, Secretary of State, Board of Trade, Local Government Board, or Government department, or of any quarter sessions, council of a borough, the Metropolitan Board of Works, or other authority, whose powers and duties are transferred by or in pursuance of this Act to any county council, as are in force at the time of the transfer, shall, so far as they relate to or are in pursuance of the powers and duties transferred, continue in force as if they had been made by such council, subject, nevertheless, to revocation

*Part VI.—Transitory Provisions.*

or alteration by such council in the manner in which byelaws can be made by such council, and also to any exceptions or modifications which may be made at the time of the transfer. A.D. 1888.

124.—(1.) If at the date of the transfer in this section mentioned any action or proceeding, or any cause of action or proceeding, is pending or existing by or against any authority in relation to any powers, duties, liabilities, or property by this Act transferred to the county council, the same shall not be in anywise prejudicially affected by reason of the passing of this Act, but may be continued, prosecuted, and enforced by or against such council as successors of the said authority in like manner as if this Act had not been passed. Saving for pending actions, contracts, &c.

(2.) All contracts, deeds, bonds, agreements, and other instruments entered into or made and subsisting at the time of the transfer in this section mentioned, and affecting any such powers, duties, liabilities, or property of any authority as are by this Act transferred to a county council, shall be of as full force and effect against or in favour of the council, and may be enforced as fully and effectually, as if, instead of the authority, the said council had been a party thereto.

(3.) All contracts or agreements which prior to the appointed day have been made by the clerk of the peace or any justice or justices or otherwise on behalf of a county, or any division or part of a county, shall have effect as if the council of that county had been named therein instead of the clerk of the peace or such justice or justices, and may be enforced by or against the county council accordingly.

(4.) This section shall apply in the case of a committee of any authority in like manner as if the committee were such authority, and the committee of a county council were that council, and as if contracts and agreements by any such committee appointed by quarter sessions were contracts and agreements on behalf of a county.

125. Save so far as may be necessary to give effect to this Act or any scheme or order or other thing made or done thereunder nothing in this Act shall prejudicially alter or affect the powers, rights, privileges, or immunities of any municipal corporation, or the operation of any municipal charter, local Act of Parliament, or order confirmed by Parliament, which immediately before the passing of this Act was in force. Saving for charters, local Acts, &c.

A.D. 1888.

*Repeals.*Repeal of  
Acts.

**126.** All enactments inconsistent with this Act are hereby repealed; Provided that—

- (1.) Any enactment or document referring to any Act or enactment hereby repealed shall be construed to refer to this Act, or to the corresponding enactment in this Act:
- (2.) This repeal shall not affect—
  - (a.) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed; or
  - (b.) Any right, privilege, obligation, or liability acquired, accrued, or incurred under or in accordance with any enactment hereby repealed; or
  - (c.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or
  - (d.) Any power, investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such power, investigation, legal proceeding, and remedy may be exercised and carried on as if this Act had not passed.



SCHEDULES.

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A.D. 1888.

FIRST SCHEDULE.

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Section 20.

*Local Taxation Licences.*

Licences for the sale of intoxicating liquor for consumption on the premises ;

Retailers of spirits (publicans).

Retailers of spirits, occasional  
licences.

Retailers of beer.

Retailers of beer, occasional  
licences.

Retailers of beer and wine.

Licences for the sale of intoxicating liquor by retail, by persons not licensed  
to deal therein, for consumption off the premises ;

Retailers of beer.

Retailers of beer and wine.

Retailers of cider.

Retailers of cider.

Retailers of wine.

Retailers of wine, occa-  
sional licences.

Retailers of sweets.

Licences to deal in game.

Licences for—

Beer dealers.

Spirit dealers.

Sweets dealers.

Wine dealers.

Refreshment house keepers.

Dogs.

Killing game.

Guns.

Appraisers.

Auctioneers.

Tobacco dealers.

Carriages.

Trade carts.

Locomotives.

Horses and mules.

Horse dealers.

Armorial bearings.

Male servants.

Hawkers.

House agents.

Pawnbrokers.

Plate dealers.

A.D. 1888.

Section 71.

## SECOND SCHEDULE.

*Alteration of Schedule to District Auditors Act, 1879.*  
(42 & 43 Vict. c. 6.)

The following scale shall, until otherwise determined by Parliament, be substituted for so much of the scale set forth in the First Schedule to the District Auditors Act, 1879, as relates to expenditure amounting to 100,000*l.* and upwards.

Where the Total of the Expenditure comprised in the Financial Statement is	The Sum shall be
100,000 <i>l.</i> and under 150,000 <i>l.</i> - - -	50 <i>l.</i>
150,000 <i>l.</i> and under 200,000 <i>l.</i> - - -	60 <i>l.</i>
200,000 <i>l.</i> and upwards - - -	15 <i>l.</i> in addition for every 50,000 <i>l.</i> or part thereof.

Sections 31,  
34, 35, 36,  
69.

## THIRD SCHEDULE.

*County Boroughs.*

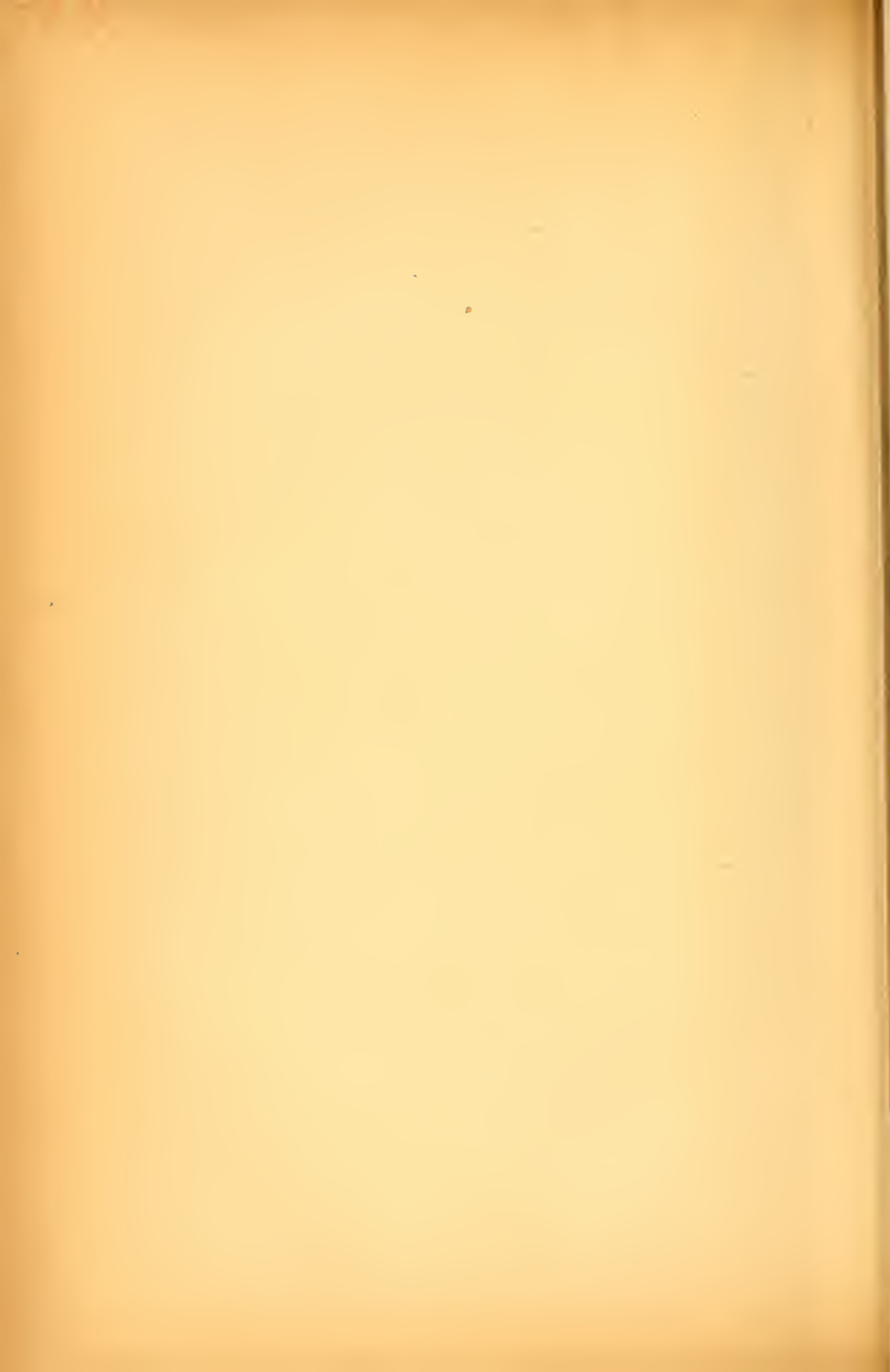
Name of Borough.	Name of County in which, for the purpose of this Act, the Borough is deemed to be situate.
Barrow - - -	Lancaster.
Bath - - -	Somerset.
Birkenhead - - -	Chester.
Birmingham - - -	Warwick.
Blackburn - - -	Lancaster.
Bolton - - -	Lancaster.
Bootle cum Linacre - - -	Lancaster.
Bradford - - -	York, West Riding.
Brighton - - -	Sussex.
Bristol - - -	Gloucester and Somerset.
Burnley - - -	Lancaster.
Bury - - -	Lancaster.
Canterbury - - -	Kent.
Cardiff - - -	Glamorgan.
Chester - - -	Chester.
Coventry - - -	Warwick.
Croydon - - -	Surrey.
Derby - - -	Derby.
Devonport - - -	Devon.
Dudley - - -	Worcester.

A.D. 1888.

Name of Borough.	Name of County in which, for the purpose of this Act, the Borough is deemed to be situate.
Exeter - - - - -	Devon.
Gateshead - - - - -	Durham.
Gloucester - - - - -	Gloucester.
Great Yarmouth - - - - -	Norfolk and Suffolk.
Halifax - - - - -	York, West Riding.
Hanley - - - - -	Stafford.
Hastings - - - - -	Sussex.
Huddersfield - - - - -	York, West Riding.
Ipswich - - - - -	Suffolk.
Kingston-upon-Hull - - - - -	York, East Riding.
Leeds - - - - -	York, West Riding.
Leicester - - - - -	Leicester.
Lincoln - - - - -	Lincoln (parts of Lindsey).
Liverpool - - - - -	Lancaster.
Manchester - - - - -	Lancaster.
Middlesbrough - - - - -	York, North Riding.
Newcastle-upon-Tyne - - - - -	Northumberland.
Northampton - - - - -	Northampton.
Norwich - - - - -	Norfolk.
Nottingham - - - - -	Nottingham.
Oldham - - - - -	Lancaster.
Plymouth - - - - -	Devon.
Portsmouth - - - - -	Hants.
Preston - - - - -	Lancaster.
Reading - - - - -	Berks.
Rochdale - - - - -	Lancaster.
Saint Helen's - - - - -	Lancaster.
Salford - - - - -	Lancaster.
Sheffield - - - - -	York, West Riding.
Southampton - - - - -	Hants.
South Shields - - - - -	Durham.
Stockport - - - - -	Chester and Lancaster.
Sunderland - - - - -	Durham.
Swansea - - - - -	Glamorgan.
Walsall - - - - -	Stafford.
West Bromwich - - - - -	Stafford.
West Ham - - - - -	Essex.
Wigan - - - - -	Lancaster.
Wolverhampton - - - - -	Stafford.
Worcester - - - - -	Worcester.
York - - - - -	York, North, East, and West Ridings.

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Infectious Disease (Notification) Act, 1889.

[52 & 53 VICT. CH. 72.]

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ARRANGEMENT OF SECTIONS.

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A.D. 1889.

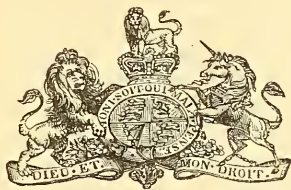
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Section.

1. Short title.
  2. Extent of Act.
  3. Notification of infectious disease.
  4. As to forms and case of several medical practitioners.
  5. Adoption of Act in urban or rural district.
  6. Definition of infectious disease.
  7. Power to local authority to extend definition of infectious disease.
  8. Notices and certificates.
  9. Expenses.
  10. Repayment of expenses in London as expenses of managers of asylum district.
  11. Non-disqualification of medical officer by receipt of fees.
  12. Application of Act to Woolwich.
  13. Application of Act to vessels, tents, &c.
  14. Saving for local Act.
  15. Exemption of Crown buildings.
  16. Definitions.
  17. Application of Act to Scotland.
  18. Application of Act to Ireland.
-







## CHAPTER 72.

An Act to provide for the Notification of Infectious Disease A.D. 1889.  
to Local Authorities. [30th August 1889.]

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Infectious Disease (Notification) Short title.  
Act, 1889.

2. This Act shall extend—

(a) to every London district after the expiration of two months Extent of  
from the passing of this Act, and Act.

(b) to any urban, rural, or port sanitary district after the adoption thereof.

3.—(1.) Where an inmate of any building used for human habitation within a district to which this Act extends is suffering from an infectious disease to which this Act applies, then, unless such building is a hospital in which persons suffering from an infectious disease are received, the following provisions shall have effect, that is to say:—

(a.) the head of the family to which such inmate (in this Act referred to as the patient) belongs, and in his default the nearest relatives of the patient present in the building or being in attendance on the patient, and in default of such relatives every person in charge of or in attendance on the patient, and in default of any such person the occupier of the building shall, as soon as he becomes aware that the patient is suffering from an infectious disease to which this Act applies, send notice thereof to the medical officer of health of the district:

A.D. 1889.

(b.) every medical practitioner attending on or called in to visit the patient shall forthwith, on becoming aware that the patient is suffering from an infectious disease to which this Act applies, send to the medical officer of health for the district a certificate stating the name of the patient, the situation of the building, and the infectious disease from which, in the opinion of such medical practitioner, the patient is suffering.

(2.) Every person required by this section to give a notice or certificate who fails to give the same, shall be liable on summary conviction in manner provided by the Summary Jurisdiction Acts to a fine not exceeding forty shillings;

Provided that if a person is not required to give notice in the first instance, but only in default of some other person, he shall not be liable to any fine if he satisfies the court that he had reasonable cause to suppose that the notice had been duly given.

As to forms  
and case of  
several  
medical  
practitioners.

4.—(1.) The Local Government Board may from time to time prescribe forms for the purpose of certificates under this Act, and any forms so prescribed shall be used in all cases to which they apply.

(2.) The local authority shall gratuitously supply forms of certificate to any medical practitioner residing or practising in their district who applies for the same, and shall pay to every medical practitioner for each certificate duly sent by him in accordance with this Act a fee of two shillings and sixpence if the case occurs in his private practice, and of one shilling if the case occurs in his practice as medical officer of any public body or institution.

(3.) Where in any district of a local authority there are two or more medical officers of health of such authority a certificate under this Act shall be given to such one of those officers as has charge of the area in which is the patient referred to in the certificate, or to such other of those officers as the local authority may from time to time direct.

Adoption  
of Act in  
urban or  
rural district.

5.—(1.) The local authority of any urban, rural, or port sanitary district may adopt this Act by a resolution passed at a meeting of such authority; and fourteen clear days at least before such meeting special notice of the meeting, and of the intention to propose such resolution, shall be given to every member of the local authority, and the notice shall be deemed to have been duly given to a member if it is either:

(a.) given in the mode in which notices to attend meetings of the local authority are usually given, or

A.D. 1889.

(b) where there is no such mode, then signed by the clerk of the local authority and delivered to the member or left at his usual or last known place of abode in England, or forwarded by post in a prepaid letter addressed to the member at his usual or last known place of abode in England.

(2.) A resolution adopting this Act shall be published by advertisement in a local newspaper, and by handbills, and otherwise in such manner as the local authority think sufficient for giving notice thereof to all persons interested, and shall come into operation at such time, not less than one month after the first publication of the advertisement of the resolution as the local authority may fix, and upon its coming into operation this Act shall extend to the district.

(3.) A copy of the resolution shall be sent to the Local Government Board when it is published.

6. In this Act the expression "infectious disease to which this Act applies" means any of the following diseases, namely, small-pox, cholera, diphtheria, membranous croup, erysipelas, the disease known as scarlatina or scarlet fever, and the fevers known by any of the following names, typhus, typhoid, enteric, relapsing, continued, or puerperal, and includes as respects any particular district any infectious disease to which this Act has been applied by the local authority of the district in manner provided by this Act.

Definition  
of infectious  
disease.

7.—(1.) The local authority of any district to which this Act extends may, from time to time, by a resolution passed at a meeting of such authority where the like special notice of the meeting and of the intention to propose the resolution has been given as is required in the case of a meeting held for adopting this Act, order that this Act shall apply in their district to any infectious disease other than a disease specifically mentioned in this Act.

Power to  
local authority  
to  
extend definition  
of infectious  
disease.

(2.) Any such order may be permanent or temporary, and, if temporary, the period during which it is to continue in force shall be specified therein, and any such order may be revoked or varied by the local authority which made the same.

(3.) An order under this section and the revocation and variation of any such order shall not be of any validity until approved by the Local Government Board.

(4.) When it is so approved, the local authority shall give public notice thereof by advertisement in a local newspaper and by handbills, and otherwise in such manner as the local authority think sufficient for giving information to all persons interested. They shall also send a copy thereof to each registered medical

A.D. 1889. — practitioner whom, after due inquiry, they ascertain to be residing or practising in their district.

(5.) The said order shall come into operation at such date not earlier than one week after the publication of the first advertisement of the approved order as the local authority may fix, and upon such order coming into operation, and during the continuance thereof, an infectious disease mentioned in such order shall, within the district of the authority, be an infectious disease to which this Act applies.

(6.) In the case of emergency three clear days' notice under this section shall be sufficient, and the resolution shall declare the cause of such emergency and shall be for a temporary order, and a copy thereof shall be forthwith sent to the Local Government Board and advertised, and the order shall come into operation at the expiration of one week from the date of such advertisement, but unless approved by the Local Government Board shall cease to be in force at the expiration of one month after it is passed, or any earlier date fixed by the Local Government Board.

(7.) The approval of the Local Government Board shall be conclusive evidence that the case was one of emergency.

Notices and  
certificates.

8.—(1.) A notice or certificate for the purposes of this Act shall be in writing or print, or partly in writing and partly in print; and for the purposes of this Act the expression "print" includes any mechanical mode of reproducing words.

(2.) A notice or certificate to be sent to a medical officer of health in pursuance of this Act may be sent by being delivered to the officer or being left at his office or residence, or may be sent by post addressed to him at his office or at his residence.

Expenses.

9. Any expenses incurred by a local authority in the execution of this Act shall be paid as part of the expenses of such authority in the execution of the Acts relating to public health and in the case of a rural authority shall be general expenses.

Repayment  
of expenses  
in London as  
expenses of  
managers of  
asylum  
district.

10. Where a medical officer of health receives in pursuance of this Act a certificate of a medical practitioner relating to a patient within the metropolitan asylum district, he shall within twelve hours after such receipt forward a copy thereof to the managers of that district, and those managers shall repay to the local authority the amounts paid by that authority in respect of those certificates of which copies have been sent to the managers as required by this section, and shall repay those amounts out of the fund out of which the general expenses of the managers are paid. The



managers shall send weekly to the London County Council such return of the infectious diseases of which they receive certificates in pursuance of this Act as the London County Council from time to time require. A.D. 1889.

11. A payment made to any medical practitioner in pursuance of this Act shall not disqualify that practitioner for serving as member of the council of any county or borough, or as member of a sanitary authority, or as guardian of a union, or in any municipal or parochial office. Non-dis-qualification of medical officer by receipt of fees.

Where a medical practitioner attending on a patient is himself the medical officer of health of the district, he shall be entitled to the fee to which he would be entitled if he were not such medical officer.

12. This Act shall apply to the Local Board of Woolwich in like manner as if it were a vestry under the Metropolis Management Act, 1855, and that board shall appoint and pay a medical officer of health, and all enactments relating to medical officers of health within the administrative county of London shall apply to the medical officer of health of Woolwich. Application of Act to Woolwich. 18 & 19 Vict. c. 120.

13.—(1.) The provisions of this Act shall apply to every ship, vessel, boat, tent, van, shed, or similar structure used for human habitation, in like manner as nearly as may be as if it were a building. Application of Act to vessels, tents, &c.

(2.) A ship, vessel, or boat, lying in any river, harbour, or other water not within the district of any local authority within the meaning of this Act shall be deemed for the purposes of this Act to be within the district of such local authority as may be fixed by the Local Government Board, and where no local authority has been fixed, then of the local authority of the district which nearest adjoins the place where such ship, vessel, or boat is lying.

(3.) This section shall not apply to any ship, vessel, or boat belonging to any foreign Government.

14. Where this Act is put in force in any district in which there is a local Act for the like purpose as this Act, the enactments of such local Act, so far as they relate to that purpose, shall cease to be in operation. Saving for local Act.

15. Nothing in this Act shall extend to any building, ship, vessel, boat, tent, van, shed, or similar structure belonging to Her Majesty the Queen, or to any inmate thereof. Exemption of Crown buildings.

A.D. 1889.

Definitions.

**16.** In this Act—

The expression “local authority” means each of the following authorities; that is to say,—

- (a) the Commissioners of Sewers in the City of London;
- (b) the vestry under the Metropolis Management Act, 1855, of a parish in Schedule A, and the district board of a district in Schedule B to the Metropolis Management Act, 1855, as amended by the Metropolis Management Amendment Act, 1885, and the Metropolis Management (Battersea and Westminster) Act, 1887;
- (c) an urban or rural sanitary authority in England within the meaning of the Public Health Acts; and
- (d) the port sanitary authority of any port sanitary district in England.

18 & 19 Vict.  
c. 120.48 & 49 Vict.  
c. 33.50 & 51 Vict.  
c. 17.

The expression “London district” means the City of London or the parish or district mentioned in Schedule A. or Schedule B. of the Metropolis Management Act, 1855, for which a local authority is elected:

The expression “urban or rural district” means the district for which any such urban or rural sanitary authority is elected:

The expression “port sanitary district” means the port sanitary district of London and any port or part of a port for which a port sanitary authority has been constituted under the Public Health Acts, and any such port sanitary district shall form no part, for the purposes of this Act, of any urban or rural district:

The expression “occupier” includes a person having the charge, management, or control of a building, or of the part of a building in which the patient is, and in the case of a house the whole of which is let out in separate tenements, or in the case of a lodging-house the whole of which is let to lodgers, the person receiving the rent payable by the tenants or lodgers either as his own account or as the agent of another person, and in the case of a ship, vessel, or boat, the master or other person in charge thereof.

Application  
of Act to  
Scotland.**17.** In the application of this Act to Scotland—

The expression “Local Government Board” shall mean Board of Supervision:

The expression “Summary Jurisdiction Acts” shall mean the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and any Act amending the same:

The expression "local authority" shall mean the local authority as defined by the Public Health (Scotland) Act, 1867, and any Act amending the same : A.D. 1889.

The expression "England" in section five shall mean Scotland :

The powers contained in this Act shall be in addition to and not in lieu of any powers existing in any local authority by virtue of any general or local Act.

18. This Act shall apply to Ireland, with the following modifications : Application of Act to Ireland.

(1.) In this Act, unless the context otherwise requires—

The expression "Local Government Board" means the Local Government Board for Ireland :

The expression "local authority" means an urban or rural sanitary authority within the meaning of the Public Health (Ireland) Act, 1878 : 41 & 42 Vict. c. 52.

The word "district" means urban sanitary district or rural sanitary district, as the case may be, within the meaning of the said Act :

The expression "clerk of the local authority" includes, in the case of an urban sanitary authority, town clerk and secretary :

(2.) References to a place of abode in England shall be construed to refer to a place of abode in Ireland.

(3.) Offences under this Act may be prosecuted, and fines under this Act may be recovered, in manner directed by the Summary Jurisdiction Acts, before a court of summary jurisdiction constituted in the manner mentioned in the two hundred and forty-ninth section of the Public Health (Ireland) Act, 1878. 41 & 42 Vict. c. 52.

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## CHAPTER 11.

An Act to regulate the Sale of Horseflesh for Human Food. A.D. 1889.  
[24th June 1889.]

WHEREAS it is desirable to make regulations with respect to the sale of horseflesh for human food :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. No person shall sell, offer, expose, or keep for sale any horseflesh for human food, elsewhere than in a shop, stall, or place over or upon which there shall be at all times painted, posted, or placed in legible characters of not less than four inches in length, and in a conspicuous position, and so as to be visible throughout the whole time, whether by night or day, during which such horseflesh is being offered or exposed for sale, words indicating that horseflesh is sold there. Signs on horseflesh shops.

2. No person shall supply horseflesh for human food to any purchaser who has asked to be supplied with some meat other than horseflesh, or with some compound article of food which is not ordinarily made of horseflesh. Horseflesh not to be sold as other meat.

3. Any medical officer of health or inspector of nuisances or other officer of a local authority acting on the instructions of such authority or appointed by such authority for the purposes of this Act may at all reasonable times inspect and examine any meat which he has reason to believe to be horseflesh, exposed for sale or deposited for the purpose of sale, or of preparation for sale, and intended for human food, in any place other than such shop, stall, or place as aforesaid, and if such meat appears to him to be horseflesh he may seize and carry away or cause to be seized and carried away the same, in order to have the same dealt with by a justice as hereinafter provided. Power of medical officer of health to inspect meat, &c.

4. On complaint made on oath by a medical officer of health or inspector of nuisances, or other officer of a local authority, any justice may grant a warrant to any such officer to enter any building, or part of a building other than such shop, stall, or place as aforesaid, in which such officer has reason for believing that there is kept or concealed any horseflesh which is intended for sale, or for preparation for sale for human food, contrary to the provisions of this Act ; and to search for, seize, and carry away or cause to be seized and carried away any meat that appears to such Power of justice to grant warrant for search.



A.D. 1889. officer to be such horseflesh, in order to have the same dealt with by a justice as herein-after provided.

Any person who shall obstruct any such officer in the performance of his duty under this Act shall be deemed to have committed an offence under this Act.

Power of justice with reference to disposal of horseflesh.

5. If it appears to any justice that any meat seized under the foregoing provisions of this Act is such horseflesh as aforesaid, he may make such order with regard to the disposal thereof as he may think desirable; and the person in whose possession or on whose premises the meat was found shall be deemed to have committed an offence under this Act, unless he proves that such meat was not intended for human food contrary to the provisions of this Act.

Penalty.

6. Any person offending against any of the provisions of this Act, for every such offence shall be liable to a penalty not exceeding twenty pounds, to be recovered in a summary manner; and if any horseflesh is proved to have been exposed for sale to the public in any shop, stall, or eating-house other than such shop, stall, or place as in the first section mentioned, without anything to show that it was not intended for sale for human food, the onus of proving that it was not so intended shall rest upon the person exposing it for sale.

Definition of "horseflesh."

7. For the purposes of this Act "horseflesh" shall include the flesh of asses and mules, and shall mean horseflesh, cooked or uncooked, alone or accompanied by or mixed with any other substance.

Local authorities for purposes of Act.

8. For the purposes of this Act the local authorities shall be, in the City of London and the liberties thereof, the Commissioners of Sewers, and in the other parts of the county of London the vestries and district boards acting in the execution of the Metropolis Local Management Acts, and in other parts of England the urban and rural sanitary authorities, and in Ireland the urban and rural sanitary authorities under the Public Health (Ireland) Act, 1878.

41 & 42 Vict. c. 52.

Application to Scotland.

38 & 39 Vict. c. 63.

9. In the application of this Act to Scotland the expression "justice" shall include sheriff and sheriff substitute, and the expression "local authority" shall mean any local authority authorised to appoint a public analyst under the Sale of Food and Drugs Act, 1875, and the procedure for the enforcement of this Act shall be in the manner provided in the thirty-third section of the said Sale of Food and Drugs Act, 1875.

Short title.

10. This Act may be cited as the Sale of Horseflesh, &c. Regulation Act, 1889.

Commencement of Act.

11. This Act shall come into operation on the twenty-ninth day of September one thousand eight hundred and eighty-nine.

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376  
Cotton Cloth Factories Act, 1889.

[52 & 53 VICT. CH. 62.]

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ARRANGEMENT OF SECTIONS.

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A.D. 1889.

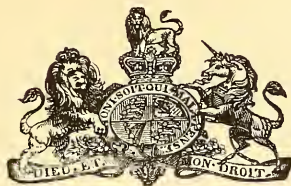
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Section.

1. Short title.
2. Commencement.
3. Construction.
4. Interpretation.
5. Temperature and humidity of the atmosphere.
6. Power to alter table of humidity.
7. Thermometers to be employed.
8. Notice of artificial production of humidity to be given.
9. Admission of fresh air.
10. Inspectors to visit the factories.
11. Notice of cessation of artificial production of humidity.
12. Provisions for preventing inhalation of dust.
13. Penalties for offences.

SCHEDULES.





## CHAPTER 62.

An Act to make further provision for the regulation of Cotton Cloth Factories. A.D. 1889.  
[30th August 1889.]

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Cotton Cloth Factories Act, Short title.  
1889.

2. This Act shall come into operation on the first day of March one thousand eight hundred and ninety, which day is in this Act referred to as the commencement of this Act. Commence-  
ment.

3. This Act shall be construed as one with the Factory and Workshop Act, 1878. Construc-  
tion.  
41 & 42 Vict.  
c. 16.

4. In this Act—

The expression "cotton cloth factory" shall mean any room, shed, or workshop, or any part thereof, in which the weaving of cotton cloth is carried on.

Interpreta-  
tion.

Expressions referring to the artificial raising of temperature or production of humidity shall include the raising of temperature or production of humidity by any artificial means whatsoever except by gas when used for lighting purposes only.

5.—(1.) The amount of moisture in the atmosphere of a cotton cloth factory shall not at any time be in excess of such amount as is represented by the number of grains of moisture per cubic foot of air shown in column I. of the table in Schedule A. to this Act opposite to such figure in column II. as represents the temperature existing in such cotton cloth factory at such time. Temperature  
and humidity  
of the  
atmosphere.

Provided that in a cotton cloth factory the temperature shall not at any time be artificially raised above seventy degrees, except in

A.D. 1889. — so far as may be necessary in the process of giving humidity to the atmosphere and according to the table in Schedule A. of this Act.

(2.) The fact that one of the wet bulb thermometers in such factory gives a higher reading than the figure shown in column III. of Schedule A. to this Act opposite to such figure in column II. as represents the temperature existing in such factory, shall be evidence that the amount of moisture in the atmosphere exceeds the limit in the last preceding sub-section prescribed.

Power to  
alter table of  
humidity.

6. One of Her Majesty's Principal Secretaries of State may from time to time by order repeal or vary the table in Schedule A. of this Act, and substitute any new or amended table therefor: Provided always, that such varied or substituted table shall be laid in a complete form before both Houses of Parliament if Parliament be sitting, or if not, then within three weeks after the beginning of the next ensuing session of Parliament; and if such table shall be disapproved by either House of Parliament within forty days after the same shall have been so laid before Parliament, such table shall be void and of no effect: Provided also, that no such table shall come into force or operation until the same shall have been laid before Parliament for forty days; but after the expiration of such forty days, if the table has not been disapproved of as aforesaid, the Secretary of State shall cause a copy thereof to be published in the "London Gazette," and to be given to every occupier of a cotton cloth factory who, in pursuance of this Act, has given notice of humidity of the atmosphere being artificially produced in such factory, and after the expiration of fourteen days from the first publication thereof in the "London Gazette," the varied or substituted table shall be deemed to be the table in Schedule A. of this Act.

Thermo-  
meters to be  
employed.

7. For the purpose of recording the humidity of the atmosphere and the temperature in a cotton cloth factory, there shall be provided, maintained, and kept in correct working order in every such factory two sets of standardised wet and dry bulb thermometers.

The following regulations shall be observed with reference to the employment of such thermometers in each cotton cloth factory:

- (i.) One set of thermometers is to be fixed in the centre and one at the side of the factory, or in such other position as may be directed or sanctioned by an inspector of factories, so as to be plainly visible to the operatives.
- (ii.) The occupier or manager or person for the time being in charge of each factory shall read the thermometers twice in the day, viz., between ten o'clock and eleven o'clock in the



A.D. 1889.

forenoon and between three o'clock and four o'clock in the afternoon, on every day that any operatives are employed in the factory, and shall record the readings of each thermometer at each of such times on a form provided for the purpose for each set of thermometers in the form and in accordance with the regulations contained in Schedule B. of this Act.

(iii.) The form in which the readings of each thermometer provided for in sub-section (ii.) of this section are to be recorded shall be kept hung up near the thermometers, and after being duly filled up, shall be forwarded at the end of each month to the inspector of the district, and a copy shall be kept at the factory for reference.

(iv.) There shall be kept hanging up in a frame, and properly glazed, in a conspicuous position and near to each set of thermometers a copy of the table set out in Schedule A. of this Act.

(v.) Each form shall be *prima facie* evidence of the humidity of the atmosphere and temperature in the factory in which such form was hung up.

8. The occupier of any cotton cloth factory in which humidity of the atmosphere is artificially produced shall give notice thereof in writing to the chief inspector of factories.

Notice of  
artificial  
production  
of humidity  
to be given.

The notice shall be given in the case of a factory in which humidity is so produced at the commencement of this Act within one week after the commencement of this Act, and in the case of any other factory at or before the time at which the artificial production of humidity is commenced in the factory.

9. In every factory in respect of which such notice has been given, arrangements shall be made and maintained to the satisfaction of the inspector of factories for the district for admitting in every hour during which work is carried on not less than six hundred cubic feet of fresh air for each person employed therein; and the arrangements for such ventilation shall be kept in operation subject, as far as possible, to the control of the persons employed therein.

Admission of  
fresh air.

10. Every factory in respect of which such notice has been given shall be visited by an inspector of factories once at least in every three months. The inspector shall examine into the temperature, humidity of the atmosphere, ventilation, and quantity of fresh air in the factory, and shall report to the chief inspector of factories in accordance with the form printed in Schedule C. of this Act.

Inspectors  
to visit the  
factories.

11. If at any time the occupier of any factory in respect of which notice has been given in conformity with the eighth section of this

Notice of  
cessation of  
artificial

A.D. 1889.

production  
of humidity.

Act shall cease to produce humidity by artificial means, he may give notice in writing of such cessation, and from the date of such notice, and so long as humidity is not artificially produced in the factory, the provisions of this Act with respect to factories in which humidity of the atmosphere is artificially produced shall not apply to such factory.

Provisions  
for prevent-  
ing inhala-  
tion of dust.

12. Where an inspector considers that dust is generated, and such dust is inhaled by the workers to an injurious extent, and it appears to such inspector that such inhalation could be prevented by the use of mechanical or other means, the following provisions shall apply:—

- (1.) The inspector shall serve on the occupier of the factory a notice requiring him to adopt such mechanical or other means as the said inspector requires to prevent the inhalation of such dust:
- (2.) The occupier, within seven days after the receipt of the notice, may serve on the inspector a requisition to refer the matter to arbitration; and thereupon the matter shall be referred to arbitration, and two skilled arbitrators shall be appointed, the one by the inspector and the other by the occupier; and the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration shall, subject to the express provisions of this section, apply to the said arbitration, and the arbitrators or their umpire shall give the decision within twenty-one days after the last of the arbitrators, or, in the case of the umpire, after the umpire is appointed, or within such further time as the occupier and inspector, by writing, allow; and if the decision is not so given, the matter shall be referred to the arbitration of an umpire to be appointed by the judge of the county court within the jurisdiction of which the factory is situate:
- (3.) If the arbitrators or their umpire decide that it is unnecessary or impossible to prevent the inhalation of such dust, or that the means required to be adopted by the inspector are not reasonable, the notice shall be cancelled, and the occupier shall not be required to carry out the notice of the said inspector, and the expenses of the arbitration shall be paid as the expenses of the inspectors under this Act:
- (4.) If the occupier does not within the said seven days serve on the inspector a requisition to refer the matter to arbitration, or does not appoint an arbitrator within seven days after he served that requisition, or if neither the arbitrators nor the

8 & 9 Vict.  
c. 16.

umpire decide that it is unnecessary or impossible to prevent the inhalation of such dust, or that the means required to be adopted by the inspector are not reasonable, the occupier shall prevent the inhalation of dust in accordance with the notice or with the award of the arbitrators or umpire if it modifies the notice, and the expenses of the arbitration shall be paid by the occupier, and shall be recoverable from him by the inspector in the county court :

- (5.) Where the occupier of a factory fails to comply within a reasonable time with the requirements of this section as to the inhalation of dust in accordance with the notice or award, or fails to keep and to maintain such factory in accordance therewith, he shall be deemed to contravene this Act.

**13.** If in the case of any cotton cloth factory there is a contravention of or non-compliance with any of the provisions of this Act, the inspector shall give notice in writing to the occupier of the same of the acts or omissions constituting the contravention or non-compliance, and if such acts or omissions, or any of them, are continued or not remedied, or are repeated within twelve months after such notice has been given, the occupier of such factory shall be liable, on summary conviction, for the first offence to a penalty of not less than five pounds nor more than ten pounds, and for every subsequent offence to a penalty of not less than ten pounds nor more than twenty pounds.

Penalties for  
offences.

A.D. 1889.

## SCHEDULES.

## SCHEDULE A.

MAXIMUM LIMITS of HUMIDITY of the ATMOSPHERE at given  
TEMPERATURES.

I. Grains of Moisture per Cubic Foot of Air.	II. Dry Bulb Thermometer Readings. Degrees Fahrenheit.	III. Wet Bulb Thermometer Readings. Degrees Fahrenheit.
5.1	60	58
5.2	61	59
5.4	62	60
5.6	63	61
5.8	64	62
6	65	63
6.2	66	64
6.4	67	65
6.6	68	66
6.9	69	67
7.1	70	68
7.1	71	68.5
7.1	72	69
7.4	73	70
7.4	74	70.5
7.65	75	71.5
7.7	76	72
8	77	73
8	78	73.5
8.25	79	74.5
8.55	80	75.5
8.6	81	76
8.65	82	76.5
8.85	83	77.5
8.9	84	78
9.2	85	79
9.5	86	80
9.55	87	80.5
9.9	88	81.5
10.25	89	82.5
10.3	90	83
10.35	91	83.5
10.7	92	84.5
11	93	85.5
11.1	94	86
11.5	95	87

## SCHEDULE B.

A.D. 1839.

FORM for recording the READINGS of the THERMOMETER.

Name of occupier \_\_\_\_\_.

Factory No. \_\_\_\_\_.

Number of operatives employed in it \_\_\_\_\_.

## READINGS.

Date.			Between 10 and 11 a.m.		Between 3 and 4 p.m.		Remarks.	If no Artificial Humidity produced insert No Steam.
Year.	Month.	Day.	Dry Bulb Thermometer. Degrees Fah.	Wet Bulb Thermometer. Degrees Fah.	Dry Bulb Thermometer. Degrees Fah.	Wet Bulb Thermometer. Degrees Fah.		
		1					†	
		2						
		3						
		4						
		5						
		6						
		7						
		8						
		9						
		10						
		11						
		12						
		13						
		14						
		15						
		16						
		17						
		18						
		19						
		20						
		21						
		22						
		23						
		24						
		25						
		26						
		27						
		28						
		29						
		30						
		31						

† Fill in:—*e.g.*, Too damp.

Signed

A.B.

Correct, &amp;c.

Occupier or Manager.



A.D. 1889.

## SCHEDULE C.

## FORM of the INSPECTOR'S REPORT.

Name of occupier \_\_\_\_\_.

Number of operatives employed \_\_\_\_\_.

Number of rooms or factories used \_\_\_\_\_.

Number of operatives in each  
room or factory.With cubic contents of each such  
room or factory.The general state of the temperature is (satisfactory.)  
(unsatisfactory.)

" " humidity " "

" " ventilation " "

The temperature was in excess of the prescribed maximum temperature on  
\_\_\_\_\_ occasions.The humidity of the atmosphere was in excess of the degree prescribed in  
the table in Schedule A. of the Cotton Cloth Factories Act, 1889, on  
\_\_\_\_\_ occasions.

General remarks.

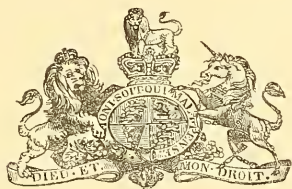
Date \_\_\_\_\_

Signed,

\_\_\_\_\_  
Inspector.Printed by EYRE and SPOTTISWOODE,  
FOR

T. DIGBY FIGOTT, Esq., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from  
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HODGES, FIGGIS, & CO., 104, GRAFTON STREET, DUBLIN.



## CHAPTER 17.

A.D. 1890.

An Act to amend the Laws relating to the Rating of  
 Orchards for Sanitary purposes. [25th July 1890.]

**W**HEREAS it is enacted by section two hundred and eleven (1.) (b.) and section two hundred and thirty of the Public Health Act, 1875, that "the occupier of any land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds," shall be assessed to the general district rate in an urban district or to a separate rate levied in respect of special expenses within the meaning of the said Act in a rural district, in the proportion of one-fourth part only of the net annual value or rateable value of such land :

And whereas doubts have arisen whether orchards are or are not included among the lands to which the aforesaid exemptions apply :

And whereas it is expedient to remove such doubts, and to render the practice of assessment uniform, and to relieve orchards from all liability to be assessed for sanitary purposes at a higher rate than other cultivated lands :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. From and after the first day of October one thousand eight hundred and ninety section two hundred and eleven, sub-section one, and section two hundred and thirty of the Public Health Act, 1875, shall be read and construed as if the word "orchards" was inserted in each of those sections after the word "woodlands." Provided that nothing in this Act shall apply to any rate made

Amendment  
 of 38 & 39  
 Vict. c. 55,  
 s. 211 (1.)  
 (b.), and  
 s. 230.

387  
[CH. 17.] *Public Health (Rating of Orchards) [53 & 54 VICT.]  
Act, 1890.*

A.D. 1890. under either of the said sections on or before the first day of  
— October one thousand eight hundred and ninety.

Short title. 2. This Act may be cited as the Public Health (Rating of  
Orchards) Act, 1890.

Printed by EYRE and SPOTTISWOODE,

FOR

T. PIERCE, PRINTING OFFICE, Queen's Place, A. 1890.

And to be printed under authority of the  
EYRE AND SPOTTISWOODE, 15, BUCKINGHAM STREET, LONDON, W. 1, or  
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RODGES, FRIGGS & CO., 10, ADELPHI STREET, DUBLIN.

# Public Health Acts Amendment Act, 1890.

[53 & 54 VICT. CH. 59.]

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## ARRANGEMENT OF SECTIONS.

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### PART I.—GENERAL.

A.D. 1890.

Section.

1. Division of Act into parts.
  2. Short title, construction, and extent of Act.
  3. Adoption of Act by local authorities.
  4. Expenses of local authority.
  5. Power to Local Government Board to extend Act to rural districts.
  6. Legal proceedings, &c.
  7. Appeals to quarter sessions.
  8. More than one sum in one summons, &c.
  9. Byelaws.
  10. Powers of Act cumulative.
  11. Interpretation.
  12. Application of Act to Ireland.
- 

### PART II.—TELEGRAPH, &c. WIRES.

13. Byelaws for prevention of danger from telegraph wires, &c.
  14. Danger from exempted telegraph wires.
  15. Savings.
- 

### PART III.—SANITARY AND OTHER PROVISIONS.

16. Injurious matters not to pass into sewers.
17. Chemical refuse, steam, &c not to be turned into sewers.

[Price 3½d.]

a

i

A.D. 1890. Section.

18. Provision as to local authority making communications with or altering, &c. drains and sewers.
19. Extension of 38 & 39 Viet. c. 55. s. 41.
20. Sanitary conveniences for public accommodation.
21. Sanitary conveniences used in common.
22. Sanitary conveniences for manufactories, &c.
23. Extension of 38 & 39 Viet. c. 55. s. 157.
24. Rooms over privies, &c. not to be used as dwelling or sleeping rooms.
25. Penalty for erecting buildings on ground filled up with offensive matter.
26. Power to make byelaws for certain sanitary purposes.
27. Provision for keeping common courts and passages clean.
28. Extension of 38 & 39 Viet. c. 55. ss. 116-119.
29. Duration of licences.
30. Notice of change of occupation of slaughter-house.
31. Revocation of licence on conviction for sale of meat unfit for food.
32. Extension of 38 & 39 Viet. c. 55. s. 84.
33. Buildings described in deposited plans otherwise than as dwelling-houses not to be used as such.
34. Hoards to be set up during progress of buildings, &c.
35. As to repair of cellars under streets.
36. Means of ingress to and egress from places of public resort.
37. Safety of platforms, &c. erected or used on public occasions.
38. Byelaws for prevention of danger from whirligigs, shooting galleries, &c.
39. Refuges, &c. in streets.
40. Cabmen's shelters.
41. Adoption of private streets.
42. Statues and monuments.
43. Trees in roads.
44. Parks and pleasure grounds.
45. Extension of 38 & 39 Viet. c. 55. s. 164.
46. Extension of 38 & 39 Viet. c. 55. s. 165.
47. Restriction on throwing cinders, &c. into streams.
48. Extension of 38 & 39 Viet. c. 55. s. 306.



Section.

A.D. 1890.  
—

49. Power to determine expenses of rural authorities to be special expenses.

50. Application of part of Act in rural districts.

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PART IV.—MUSIC AND DANCING.

51. Music and dancing licences.

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PART V.—STOCK.

52. Issue of stock.





CHAPTER 59.

An Act to amend the Public Health Acts.

A.D. 1890.  
—

[18th August 1890.]

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

PART I.—GENERAL.

1. This Act is divided into parts as follows :—

Division of  
Act into  
parts.

- Part I.—General.
- Part II.—Telegraph, &c. wires.
- Part III.—Sanitary and other provisions.
- Part IV.—Music and dancing.
- Part V.—Stock.

2.—(1.) This Act shall be construed as one with the Public Health Acts.

Short title,  
construction  
and extent of  
Act.

(2.) Part One of this Act shall extend to England and Wales and Ireland, exclusive of the administrative county of London. Parts Two, Three, Four, and Five, shall extend to any district in which they are respectively adopted under the provisions of this Act.

(3.) This Act may be cited as the Public Health Acts Amendment Act, 1890, and this Act and the Public Health Acts may be cited together as the Public Health Acts.

3. The following provisions shall have effect with regard to the adoption of the parts of this Act, which are adoptive, by local authorities :—

Adoption of  
Act by local  
authorities.

- (1.) An urban authority may adopt all or any of such parts.
- (2.) A rural authority may adopt Part Three so far as it is declared by this Act to be applicable to such authority, without

A.D. 1890.

prejudice to the provisions of this Act relating to the investing of rural authorities with urban powers.

- (3.) The adoption shall be by a resolution passed at a meeting of the local authority; and one calendar month at least before such meeting special notice of the meeting and of the intention to propose such resolution shall be given to every member of the authority, and the notice shall be deemed to have been duly given to a member of it, if it is either—

(a.) Given in the mode in which notices to attend meetings of the authority are usually given; or

(b.) Where there is no such mode, then signed by the clerk of the authority, and delivered to the member or left at his usual or last known place of abode in England, or forwarded by post in a prepaid letter, addressed to the member at his usual or last known place of abode in England.

- (4.) Such resolution shall be published by advertisement in some one or more newspapers circulating within the district of the authority and by causing notice thereof to be affixed to the principal doors of every church and chapel in the place to which notices are usually fixed, and otherwise in such manner as the authority think sufficient for giving notice thereof to all persons interested, and shall come into operation at such time not less than one month after the first publication of the advertisement of the resolution as the authority may by the resolution fix, and upon its coming into operation such parts of the Act as are adopted shall extend to that district.

- (5.) A copy of the resolution shall be sent—

(a.) Where any part of the Act is adopted, to the Local Government Board;

(b.) Where Part Two is adopted, to the Board of Trade;

(c.) Where Part Four is adopted, to a Secretary of State.

- (6.) A copy of the advertisement shall be conclusive evidence of the resolution having been passed, unless the contrary be shown; and no objection to the effect of the resolution, on the ground that notice of the intention to propose the same was not duly given, or on the ground that the resolution was not sufficiently published, shall be made after three months from the date of the first publication of the advertisement.

Expenses  
of local  
authority.

4. All expenses incurred or payable by a local authority in the execution of this Act, and not otherwise provided for, may be

charged and defrayed in the case of an urban authority as part of the expenses incurred by them in the execution of the Public Health Acts, and in the case of a rural authority as part of their general expenses under the Public Health Acts. A.D. 1890.

5. The Local Government Board may declare that any of the provisions contained in any part of this Act which are not in force in any rural sanitary district shall be in force in that district, or any part thereof, and may invest a rural sanitary authority with any of the powers, rights, duties, capacities, liabilities, and obligations which an urban authority may acquire by adoption of any part of this Act, in like manner, and subject to the same provisions as they are enabled to invest rural sanitary authorities with the powers of urban sanitary authorities under the provisions of section two hundred and seventy-six of the Public Health Act, 1875, and in such case the date of the declaration of the Local Government Board under this section shall be substituted for the date of the adoption of this Act or any part thereof. Power to Local Government Board to extend Act to rural districts.  
38 & 39 Vict. c. 55.

6. Offences under this Act may be prosecuted, and penalties, forfeitures, costs, and expenses recovered in like manner and subject to the same provisions as offences which may be prosecuted and penalties, forfeitures, costs, and expenses which may be recovered in a summary manner under the Public Health Acts. Legal proceedings, &c.

7.—(1.) Any person aggrieved—

(a.) By any order, judgment, determination, or requirement of a local authority under this Act; Appeals to quarter sessions.

(b.) By the withholding of any order, certificate, licence, consent, or approval, which may be made, granted, or given by a local authority under this Act;

(c.) By any conviction or order of a court of summary jurisdiction under any provision of this Act;  
may appeal in manner provided by the Summary Jurisdiction Acts to a court of quarter sessions.

(2.) This section shall not apply in cases where there is an appeal to the Local Government Board under section two hundred and sixty-eight of the Public Health Act, 1875.

8. Any information, complaint, warrant, or summons made or issued for the purposes of this Act, or of the Public Health Acts, may contain in the body thereof or in a schedule thereto several sums. More than one sum in one summons, &c.



A.D. 1890.

Byelaws.

9. All the provisions with respect to byelaws contained in sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875, and any enactment amending or extending those sections, shall apply to all byelaws from time to time made by a local authority under the powers of this Act, except byelaws made under Part Two of this Act.

Powers of  
Act cumulative.

10.—(1.) All powers given to a local authority under this Act shall be deemed to be in addition to and not in derogation of any other powers conferred upon such local authority by any Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not been passed.

(2.) Nothing in this Act shall exempt any person from any penalty to which he would have been liable if this Act had not been passed, provided that no person shall be liable to pay, except in the case of a daily penalty, more than one penalty in respect of the same offence.

Interpretation.

11.—(1.) The expression “ashpit” in the Public Health Acts and in this Act shall for the purposes of the execution of those Acts and of this Act include any ashtub or other receptacle for the deposit of ashes, faecal matter, or refuse.

(2.) A street or part of a street which has been asphalted or paved with wood, tar paving, or artificial stone, or other improved paving of any kind shall be deemed to have been paved within the meaning of any provision of the Public Health Acts.

Provided that a street shall not be deemed to be paved to the satisfaction of an urban authority unless it is paved with such kind as well as with such quality of paving as the local authority shall consider suitable for the street.

(3.) In this Act if not inconsistent with the context—

The expression “local authority” means an urban sanitary authority or a rural sanitary authority, as the case may be, under the Public Health Acts, and the expressions “urban authority” and “rural authority” mean respectively an urban sanitary authority and a rural sanitary authority under those Acts.

The expressions “urban sanitary district” and “rural sanitary district” mean respectively an urban sanitary district and a rural sanitary district under the Public Health Acts.

The expression “sanitary convenience” includes urinals, water-closets, earth-closets, privies, ashpits, and any similar convenience.

The expression "daily penalty" means a penalty for each day on which any offence is continued after conviction therefor. A.D. 1890.

The expressions "surveyor," "lands," "premises," "owner," "street," "house," "drain," "sewer" have respectively the same meaning as in the Public Health Acts.

12. In the application of this Act to Ireland the following modifications shall have effect :— Application of Act to Ireland.

(1.) Sections five and forty-one shall not apply to Ireland.

(2.) This Act shall be construed as one with the Public Health (Ireland) Act, 1878. 41 & 42 Vict. c. 52.

(3.) This Act and the Public Health (Ireland) Act, 1878, may be cited as the Public Health (Ireland) Acts.

(4.) A reference to a place of abode in England shall be construed to be a reference to a place of abode in Ireland.

(5.) The Local Government Board for Ireland shall be substituted for the Local Government Board.

(6.) The Chief Secretary shall be substituted for the Secretary of State.

(7.) The expression "the Public Health Acts" shall include the Public Health (Ireland) Act, 1878, and the said Act shall be substituted for the Public Health Act, 1875, and in particular references in this Act to sections thirty-eight, forty-one, eighty-four, one hundred and sixteen, one hundred and seventeen, one hundred and fifty-seven, one hundred and fifty-eight, one hundred and sixty-five, two hundred and twenty-nine, two hundred and thirty, two hundred and sixty-eight, and three hundred and six of the Public Health Act, 1875, shall be respectively taken to be references to sections forty-eight, fifty-one, ninety-five, one hundred and thirty-two, one hundred and thirty-three, forty-one, forty-two, one hundred and two, two hundred and thirty-two, two hundred and thirty-three, two hundred and sixty-eight, and two hundred and seventy-two of the Public Health (Ireland) Act, 1878, and the references to sections one hundred and sixteen to one hundred and nineteen, and to sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875, shall be respectively taken to be references to sections one hundred and thirty-two to one hundred and thirty-five, and to sections two hundred and nineteen to two hundred and twenty-three of the Public Health (Ireland) Act, 1878.

A.D. 1890.  
—

- (8.) In sub-section four of section fifty-one of this Act a notice to the clerk to the licensing justices and to the district inspector of the district in which the house, room, garden, or place is situated, or in his absence to the head constable, or if in the Dublin Metropolitan Police District to the superintendent of police of such division, shall be substituted for the notice to the clerk of the licensing justices and to the chief officer of police in the said sub-section mentioned.
- (9.) In section fifty-one of this Act as modified by this section the expression "general annual licensing meeting" shall mean annual licensing quarter sessions, and the expressions "licensing justices," "clerk to the licensing justices," "special sessions," and all other expressions defined by the Licensing Acts (Ireland), 1872 to 1874, shall have the same meanings respectively as in the said Acts.
- (10.) Sub-section two of section fifty-two of this Act shall be read and construed as if the words and figures "of the Local Loans Act, 1875, and the Acts amending the same and," and also "by the Metropolitan Board of Works, or the County Council of London, or," were omitted therefrom.
- (11.) The Lord Lieutenant by order made by and with the advice of the Privy Council shall be substituted for Her Majesty by Order in Council.

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## PART II.—TELEGRAPH, &c. WIRES.

Byelaws for  
prevention of  
danger from  
telegraph  
wires, &c.

**13.—(1.)** An urban authority may from time to time make, alter, and repeal byelaws for prevention of danger or obstruction to the public from posts, wires, tubes, or any other apparatus stretched or placed above, over, along, or across any street (whether before or after the adoption of this part of this Act) for the purpose of any telegraph, telephone, lighting, railway signalling, or other purpose.

(2.) By such byelaws provisions may be made for the inspection and examination by the urban authority of any such posts, wires, tubes, or other apparatus, and for the prohibition of any such posts, wires, tubes, or other apparatus being or continuing to be stretched or placed as aforesaid in such manner as to be dangerous or to cause obstruction to the public.

A.D. 1890.

(3.) Offenders against such byelaws shall be liable to such penalties as may be thereby prescribed not exceeding five pounds for each offence, and a daily penalty not exceeding forty shillings, and the court in addition to awarding any penalty may order the removal of any post, wire, tube, or other apparatus stretched or placed in contravention of any such byelaw made under this section.

(4.) Byelaws made under this section and any alteration or repeal of any such byelaw shall not take effect unless and until they have been submitted to and confirmed by the Board of Trade, which Board is hereby empowered to allow or disallow or to modify or amend the same as it may think proper.

(5.) Reasonable notice of the intended submission for confirmation of any such byelaw, alteration, or repeal shall be given by the urban authority by advertisement in one or more local newspapers circulating in the district to which such byelaws relate, and by circular letter to any company or person owning or leasing any post, wire, tube, or other apparatus to which any byelaw is intended to apply, and such company or person shall be entitled to appear before the Board of Trade and object to the confirmation, alteration, or repeal of any byelaw, and all costs incurred by any parties in reference to the application for or objection to the confirmation, alteration, or repeal of any such byelaw shall be in the discretion of the Board of Trade.

(6.) The Board of Trade may exempt from the operation of any such byelaw, alteration, or repeal, for such period as they think proper, not exceeding five years from the confirmation thereof, any post, wire, tube, or other apparatus which shall have been stretched or placed, in the case of a new byelaw, before the confirmation thereof, and in the case of the alteration or repeal of a byelaw, in accordance with such byelaw.

(7.) Nothing in such byelaws shall extend to or include any apparatus belonging to any railway or canal company, or used by them in connexion with their business, and which now is or hereafter shall be fixed or placed by any such company across, over, or along any railway or the towing-path of any canal, provided such apparatus do not project or be not stretched or placed beyond such railway or towing-path over any street, or be not stretched or placed over any street crossing over such railway other than streets crossing any railway on the level.

14.—(1.) If any post, wire, tube, or other apparatus so exempted as aforesaid is during the period of such exemption in the opinion

Danger from  
exempted  
telegraph  
wires.

A.D. 1890. of the surveyor of the urban authority in such a state or position that immediate danger to any person is to be apprehended, he may give information to any justice, who may thereupon summon the owner or lessee thereof or other person interested therein forthwith to appear before a court of summary jurisdiction.

(2.) The court may thereupon--

(a.) Make an order requiring such owner, lessee, or other person, or all or any of them, to remove or remedy the source of danger; or

(b.) Make an order authorising the surveyor to do so at the expense of such owner, lessee, or other person, or of all or any of them; or

(c.) Make such other order as may appear to the court under all the circumstances of the case to be necessary and proper.

Savings.

**15.—**(1.) Nothing contained in this part of this Act shall—

(a.) Extend to any post, wire, tube, or other apparatus or property of the Postmaster-General:

(b.) Extend to any works of any undertakers within the meaning of the Electric Lighting Acts, 1882 to 1888, to which the provisions of those Acts apply.

(2.) Nothing contained in this part of this Act shall limit or interfere with the working of any mines or minerals lying under or adjacent to any street along or across which any posts, wires, tubes, or other apparatus shall be stretched or placed, nor shall the owner, lessee, or occupier of those mines or minerals be liable for any damage which may be occasioned by the working thereof in the ordinary course to such posts, wires, tubes, or apparatus.



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PART III.—SANITARY AND OTHER PROVISIONS.

A.D. 1890.

16.—(1.) It shall not be lawful for any person to throw, or suffer to be thrown, or to pass into any sewer of a local authority or any drain communicating therewith, any matter or substance by which the free flow of the sewage or surface or storm water may be interfered with, or by which any such sewer or drain may be injured.

Injurious matters not to pass into sewers.

(2.) Every person offending against this enactment shall be liable to a penalty not exceeding ten pounds, and to a daily penalty not exceeding twenty shillings.

17.—(1.) Every person who turns or permits to enter into any sewer of a local authority or any drain communicating therewith—

(a.) Any chemical refuse, or

(b.) Any waste steam, condensing water, heated water, or other liquid (such water or other liquid being of a higher temperature than one hundred and ten degrees of Fahrenheit),

Chemical refuse, steam, &c. not to be turned into sewers.

which, either alone or in combination with the sewage, causes a nuisance or is dangerous or injurious to health, shall be liable to a penalty not exceeding ten pounds, and to a daily penalty not exceeding five pounds.

(2.) The local authority, by any of their officers either generally or specially authorised in that behalf in writing, may enter any premises for the purpose of examining whether the provisions of this section are being contravened, and if such entry be refused, any justice, on complaint on oath by such officer, made after reasonable notice in writing of such intended complaint has been given to the person having custody of the premises, may by order under his hand require such person to admit the officer into the premises, and if it be found that any offence under this section has been or is being committed in respect of the premises, the order shall continue in force until the offence shall have ceased or the work necessary to prevent the recurrence thereof shall have been executed.

(3.) A person shall not be liable to a penalty for an offence against this section until the local authority have given him notice of the provisions of this section, nor for an offence committed before the expiration of seven days from the service of such notice, provided that the local authority shall not be required to give the same person notice more than once.

18.—(1.) Where the owner or occupier of any premises is entitled to cause any sewer or drain from those premises to communicate with any sewer of the local authority, the local authority

Provision as to local authority making

A.D. 1890.

communications with or altering, &c. drains and sewers.

shall, if requested to do so by such owner or occupier, and upon the cost thereof being paid in advance to the local authority, themselves make the communication and execute all works necessary for that purpose.

(2.) The cost of making such communication (including all costs incidental thereto) shall be estimated by the surveyor of the local authority, but in case the owner or occupier of the premises, as the case may be, is dissatisfied with such estimate, he may, if the estimate is under fifty pounds, apply to a court of summary jurisdiction to fix the amount to be paid for such cost, and if the estimate is over fifty pounds have the same determined by arbitration in manner provided by the Public Health Acts.

(3.) A local authority may agree with the owner of any premises that any sewer or drain which such owner is required, or desires, to make, alter, or enlarge, or any part of such sewer or drain, shall be made, altered, or enlarged by the local authority.

Extension of 38 & 39 Vict. c. 55, s. 41.

19.—(1.) Where two or more houses belonging to different owners are connected with a public sewer by a single private drain, an application may be made under section forty-one of the Public Health Act, 1875 (relating to complaints as to nuisances from drains), and the local authority may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses in such shares and proportions as shall be settled by their surveyor or (in case of dispute) by a court of summary jurisdiction.

(2.) Such expenses may be recovered summarily or may be declared by the urban authority to be private improvement expenses under the Public Health Acts, and may be recovered accordingly.

(3.) For the purposes of this section the expression “drain” includes a drain used for the drainage of more than one building.

Sanitary conveniences for public accommodation.

20.—(1.) Where an urban authority provide and maintain for public accommodation any sanitary conveniences, such authority may—

- (i.) Make regulations with respect to the management thereof and make byelaws as to the decent conduct of persons using the same;
- (ii.) Let the same from time to time for any term not exceeding three years at such rent and subject to such conditions as they may think fit;
- (iii.) Charge such fees for the use of any waterclosets provided by them as they may think proper.

(2.) No public sanitary convenience shall, after the adoption of this part of this Act, be erected in or accessible from any street without the consent in writing of the urban authority, who may give such consent upon such terms as to the use thereof or the removal thereof at any time, if required by the urban authority, as they may think fit.

(3.) Any person who erects a sanitary convenience in contravention of this enactment, and after a notice in writing to that effect from the urban authority does not remove the same, shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding twenty shillings.

(4.) Nothing in this section shall extend to any sanitary convenience now or hereafter to be erected by any railway company within their railway station yard or the approaches thereto.

**21.** With respect to any sanitary convenience used in common by the occupiers of two or more separate dwelling-houses, or by other persons, the following provisions shall have effect:—

Sanitary  
conveniences  
used in  
common.

(1.) If any person injures or improperly fouls any such sanitary convenience, or anything used in connexion therewith, he shall for every such offence be liable to a penalty not exceeding ten shillings:

(2.) If any sanitary convenience or the approaches thereto, or the walls, floors, seats, or fittings thereof is or are in the opinion of the urban authority or of the inspector of nuisances or medical officer of health of such authority in such a state or condition as to be a nuisance or annoyance to any inhabitant of the district for want of the proper cleansing thereof, such of the persons having the use thereof in common as aforesaid as may be in default, or in the absence of proof satisfactory to the court as to which of the persons having the use thereof in common is in default, each of those persons, shall be liable to a penalty not exceeding ten shillings, and to a daily penalty not exceeding five shillings.

**22.—(1.)** Every building, used as a workshop or manufactory, or where persons are employed or intended to be employed in any trade or business, whether erected before or after the adoption of this part of this Act in any district, shall be provided with sufficient and suitable accommodation in the way of sanitary conveniences, having regard to the number of persons employed in or in attendance at such building, and also where persons of both sexes are employed, or intended to be employed, or in attendance, with proper separate accommodation for persons of each sex.

Sanitary  
conveniences  
for manu-  
factories, &c

A.D. 1890.

(2.) Where it appears to an urban authority on the report of their surveyor that the provisions of this section are not complied with in the case of any building, the urban authority may, if they think fit, by written notice, require the owner or occupier of any such building to make such alterations and additions therein as may be required to give such sufficient, suitable, and proper accommodation as aforesaid.

(3.) Any person who neglects or refuses to comply with any such notice shall be liable for each default to a penalty not exceeding twenty pounds, and to a daily penalty not exceeding forty shillings.

(4.) Where this section is in force, section thirty-eight of the Public Health Act, 1875, shall be repealed.

Extension of  
38 & 39 Vict.  
c. 55. s. 157

**23.**—(1.) Section one hundred and fifty-seven of the Public Health Act, 1875, shall be extended so as to empower every urban authority to make byelaws with respect to the following matters; that is to say:—

The keeping waterclosets supplied with sufficient water for flushing;

The structure of floors, hearths, and staircases, and the height of rooms intended to be used for human habitation;

The paving of yards and open spaces in connexion with dwelling-houses; and

The provision in connexion with the laying out of new streets of secondary means of access where necessary for the purpose of the removal of house refuse and other matters.

(2.) Any byelaws under that section as above extended with regard to the drainage of buildings, and to waterclosets, earth-closets, privies, ashpits, and cesspools, in connexion with buildings, and the keeping waterclosets supplied with sufficient water for flushing, may be made so as to affect buildings erected before the times mentioned in the said section.

(3.) The provisions of the said section (as amended by this Act), so far as they relate to byelaws with respect to the structure of walls and foundations of new buildings for purposes of health, and with respect to the matters mentioned in sub-sections (3) and (4) of the said section, and with respect to the structure of floors, the height of rooms to be used for human habitation, and to the keeping of waterclosets supplied with sufficient water for flushing, shall be extended so as to empower rural authorities to make byelaws in respect to the said matters, and to provide for the observance of such byelaws, and to enforce the same as if such powers were conferred on the rural authorities by virtue of an order of the Local Government Board

made on the day when this part of this Act is adopted; and section one hundred and fifty-eight of the Public Health Act, 1875, shall also apply to any such authority, and shall be in force in every rural district where this part of this Act is adopted.

A.D. 1890.

(4.) Every local authority may make byelaws to prevent buildings which have been erected in accordance with byelaws made under the Public Health Acts from being altered in such a way that if at first so constructed they would have contravened the byelaws.

24.—(1.) Where any portion of a room extends immediately over any privy (not being a watercloset or earth-closet), or immediately over any cesspool, midden, or ashpit, that room, whether built before or after the adoption of this part of this Act, shall not be occupied as a dwelling place, sleeping place, or workroom, or place of habitual employment of any person in any manufacture, trade, or business during any portion of the day or night.

Rooms over privies, &c. not to be used as dwelling or sleeping rooms.

(2.) Any person who after the expiration of one month after the adoption of this part of this Act, and after notice from the local authority of not less than seven days, so occupies, and any person who suffers to be so occupied, any such room, shall be liable to a penalty not exceeding forty shillings, and to a daily penalty not exceeding ten shillings.

25.—(1.) It shall not be lawful to erect a new building on any ground which has been filled up with any matter impregnated with fœcal, animal, or vegetable matter, or upon which any such matter has been deposited, unless and until such matter shall have been properly removed by excavation or otherwise, or shall have been rendered or have become innocuous.

Penalty for erecting buildings on ground filled up with offensive matter.

(2.) Every person who does or causes, or wilfully permits to be done any act in contravention of this section shall for every such offence be liable to a penalty not exceeding five pounds, and a daily penalty not exceeding forty shillings.

26.—(1.) An urban authority may make byelaws in respect of the following matters, namely:—

Power to make byelaws for certain sanitary purposes.

(a.) For prescribing the times for the removal or carriage through the streets of any fœcal or offensive or noxious matter or liquid, whether such matter or liquid shall be in course of removal or carriage from within or without or through their district:

(b.) For providing that the vessel, receptacle, cart, or carriage used therefor shall be properly constructed and covered so as to prevent the escape of any such matter or liquid:



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(c.) For compelling the cleansing of any place whereon such matter or liquid shall have been dropped or spilt in such removal or carriage.

(2.) Where a local authority themselves undertake or contract for the removal of house refuse they may make byclaws imposing on the occupier of any premises duties in connexion with such removal so as to facilitate the work which the local authority undertake or contract for.

Provision for keeping common courts and passages clean.

27.—(1.) Where any court, or where any passage leading to the back of several buildings in separate occupations, and not being a highway repairable by the inhabitants at large, is not regularly and effectually swept and kept clean and free from rubbish or other accumulation to the satisfaction of the urban authority, the urban authority may, if they think fit, cause to be swept and cleaned such court or passage.

(2.) The expenses thereby incurred shall be apportioned between the occupiers of the buildings situated in the court or to the back of which the passage leads in such shares as may be determined by the surveyor of the urban authority, or (in case of dispute) by a court of summary jurisdiction, and in default of payment any share so apportioned may be recovered summarily from the occupier on whom it is apportioned.

Extension of 38 & 39 Vict. c. 55, ss. 116–119.

28.—(1.) Sections one hundred and sixteen to one hundred and nineteen of the Public Health Act, 1875 (relating to unsound meat), shall extend and apply to all articles intended for the food of man, sold or exposed for sale, or deposited in any place for the purpose of sale, or of preparation for sale within the district of any local authority.

(2.) A justice may condemn any such article, and order it to be destroyed or disposed of, as mentioned in section one hundred and seventeen of the Public Health Act, 1875, if satisfied on complaint being made to him that such article is diseased, unsound, unwholesome, or unfit for the food of man, although the same has not been seized as mentioned in section one hundred and sixteen of the said Act.

Duration of licences.

29. Licences granted after the adoption of this part of this Act for the use and occupation of places as slaughter-houses shall be in force for such time or times only, not being less than twelve months, as the urban authority shall think fit to specify in such licences.

Notice of change of occupation of slaughter-house.

30.—(1.) Upon any change of occupation of any building within an urban sanitary district registered or licensed for use and used as a slaughter-house, the person thereupon becoming the occupier or

joint occupier shall give notice in writing of the change of occupation to the inspector of nuisances. A.D. 1890

(2.) A person who fails or neglects to give such notice within one month after the change of occupation occurs shall be liable to a penalty not exceeding five pounds.

(3.) Notice of this enactment shall be endorsed on all licences granted after the adoption of this part of this Act.

31. If the occupier of any building licensed as aforesaid to be used as a slaughter-house for the killing of animals intended as human food is convicted by a court of summary jurisdiction of selling or exposing for sale, or for having in his possession, or on his premises, the carcase of any animal, or any piece of meat or flesh diseased or unsound, or unwholesome or unfit for the use of man as food, the court may revoke the licence. Revocation of licence on conviction for sale of meat unfit for food.

32. Any keeper of a common lodging-house who fails to give the notice required by section eighty-four of the Public Health Act, 1875, shall be liable to a penalty not exceeding forty shillings, and to a daily penalty not exceeding five shillings. Extension of 38 & 39 Vict. c. 55. s. 84.

33.—(1.) Where the plan of a building has been, either before or after the adoption of this part of this Act in any district, deposited with a local authority in pursuance of any Act of Parliament or byelaw, and that building is described therein otherwise than as a dwelling-house, any person who wilfully uses or knowingly permits to be used such building or any part thereof for the purposes of habitation by any person other than the person placed therein to take care thereof, and the family of such person, shall be guilty of an offence under this section, and shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding forty shillings. Buildings described in deposited plans otherwise than as dwelling-houses not to be used as such.

(2.) Provided that if such building has in the rear thereof and adjoining and exclusively belonging thereto such an open space as is required by any Act of Parliament or byelaw for the time being in force with respect to buildings intended to be used as dwelling-houses, and if such part of the building as is intended to be used as a dwelling-house has undergone such structural alterations, if any, as are necessary in the opinion of the local authority to render it fit for that purpose, the owner may use the same as a dwelling-house.

34.—(1.) Every person intending to build or take down any building, or to alter or repair the outward part of any building in any street or court, shall— Hoards to be set up during progress of buildings, &c.

A.D. 1890.

- (a.) before beginning the same, unless the urban authority otherwise consent in writing, cause close-boarded hoards or fences to the satisfaction of the urban authority to be put up in order to separate the building from the street or court ;
- (b.) if the urban authority so require, make a convenient covered platform and handrail to serve as a footway for passengers outside of such hoard or fence ;
- (c.) continue such hoard or fence with such platform and handrail as aforesaid standing and in good condition to the satisfaction of the urban authority during such time as they may require ;
- (d.) if required by the urban authority, cause the same to be sufficiently lighted during the night ;
- (e.) remove the same when required by the urban authority.

(2.) Every person who fails to comply with any of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

10 & 11 Vict. c. 34. (3.) Where this part of this Act is adopted the eightieth section of the Towns Improvement Clauses Act, 1847, shall be repealed, and this section shall be deemed to be substituted therefor.

As to repair  
of cellars  
under  
streets.

**35.—**(1.) All vaults, arches, and cellars under any street, and all openings into such vaults, arches, or cellars in the surface of any street, and all cellar-heads, gratings, lights, and coal holes in the surface of any street, and all landings, flags, or stones of the path or street supporting the same respectively, shall be kept in good condition and repair by the owners or occupiers of the same, or of the houses or buildings to which the same respectively belong.

(2.) Where any default is made in complying with the provisions of this section, the urban authority may, after twenty-four hours notice in that behalf, cause anything in respect of which such default is made to be repaired or put into good condition, and the expenses of so doing shall be paid to the urban authority by such owner or occupier respectively, or in default may be recovered in a summary manner.

Means of  
ingress to  
and egress  
from places  
of public  
resort.

**36.—**(1.) Every building which, after the adoption of this part of this Act in any urban district, is used as a place of public resort, shall, to the satisfaction of the urban authority, be substantially constructed and supplied with ample, safe, and convenient means of ingress and egress for the use of the public, regard being had to

the purposes for which such building is intended to be used, and to the number of persons likely to be assembled at any one time therein. A.D. 1890.

(2.) The means of ingress and egress shall during the whole time that such building is used as a place of public resort be kept free and unobstructed to such extent as the urban authority shall require.

(3.) An officer authorised in writing by the urban authority, and producing his authority if so required, may at all reasonable times enter any such building to see that the provisions of this section are carried into effect.

(4.) Any person who being the occupier or manager, or in the case of a building let for any period less than one year the owner of any building used as aforesaid, uses the same or suffers the same to be used in contravention of this section, or fails to comply with the provisions of this section in respect thereof, shall for every such offence be liable to a penalty not exceeding twenty pounds.

(5.) Where any alteration in the building is required in order to give proper means of ingress or egress, the court may refuse to inflict a penalty for an offence under this section until a reasonable time has been allowed for making such alteration, but the court may make such order as they think fit for the closing, or otherwise, of the building during such time.

(6.) For the purposes of this section the expression "place of public resort" means a building used or constructed or adapted to be used either ordinarily or occasionally as a church, chapel, or other place of public worship (not being merely a dwelling-house so used), or as a theatre, public hall, public concert-room, public ball-room, public lecture-room, or public exhibition room, or as a public place of assembly for persons admitted thereto by tickets or by payment, or used, or constructed, or adapted to be used, either ordinarily or occasionally for any other public purpose, but shall not include a private dwelling-house used occasionally or exceptionally for any of those purposes.

Provided that this section shall not extend to any building used as a church or chapel or other place of public worship before or at the time of the adoption of this part of this Act.

37.—(1.) Whenever large numbers of persons are likely to assemble on the occasion of any show, entertainment, public procession, open-air meeting, or other like occasion, every roof of a building, and every platform, balcony, or other structure or part thereof let or used or intended to be let or used for the purpose of affording sitting or standing accommodation for a number of persons,

Safety of  
platforms, &c.  
erected or  
used on  
public  
occasions.

A.D. 1890. shall be safely constructed or secured to the satisfaction of the surveyor of the urban authority.

(2.) Any person who uses or allows to be used in contravention of this section, any roof of a building, platform, balcony, or structure not so safely constructed or secured, or who neglects to comply with the provisions of this section in respect thereof, shall be liable to a penalty not exceeding fifty pounds.

Byelaws for prevention of danger from whirlingigs, shooting galleries, &c.

38. An urban authority may make byelaws for the prevention of danger from whirlingigs and swings when such whirlingigs and swings are driven by steam power, and from the use of firearms in shooting ranges and galleries.

Refuges, &c. in streets.

39. An urban authority may from time to time place, maintain, alter, and remove in any street, being a highway repairable by the inhabitants at large, such raised paving or places of refuge, with such pillars, rails, or other fences, either permanent or temporary, as they may think fit, for the purpose of protecting passengers and traffic, either along the street or on the footways, from injury, danger, or annoyance, or for the purpose of making the crossing of any street less dangerous to passengers.

Cabmen's shelters.

40.—(1.) An urban authority may from time to time provide, maintain, and remove in or near any street in their district suitable erections for the use, convenience, and shelter of drivers of hackney carriages, and such other persons as the urban authority may permit to use the same.

(2.) The urban authority may from time to time make regulations for prescribing the terms and conditions and the fees (if any) to be charged for the use of such places of shelter, and may make byelaws for regulating the conduct of persons using the same.

Adoption of private streets.

41. Where this part of this Act is adopted, section one hundred and fifty-two of the Public Health Act, 1875, shall be repealed, and the following provisions shall be substituted in lieu thereof :—

(1.) Whenever all or any of the works mentioned in section one hundred and fifty of the Public Health Act, 1875, have been executed in a street or part of a street under that section by an urban authority, and the urban authority are of opinion that such street or part of a street ought to become a highway repairable by the inhabitants at large, they may by notice to be fixed up in such street or part of a street declare the whole of such street or part of a street to be a highway repairable by the inhabitants at large, and thereupon such street or part of a street as defined in the notice shall become a highway repairable by the inhabitants at large.



(2.) Provided that no such street shall become a highway so repairable if within one month after such notice has been put up the owner or the majority in number or value of owners of such street by notice in writing to the urban authority object thereto, and in ascertaining such majority joint owners shall be reckoned as one owner. A.D. 1890.

42. Any urban authority may from time to time authorise the erection in any street or public place within their district of any statue or monument, and may maintain the same, and any statue or monument erected within their district before the adoption of this part of this Act, and may remove any statue or monument the erection of which has been authorised by them. Statues and monuments.

43. Any urban authority may, if they see fit, cause trees to be planted in any highway repairable by the inhabitants at large within their district, and may erect guards or fences for the protection of the same, provided that this power shall not be exercised nor shall any trees so planted be continued so as to hinder the reasonable use of the highway by the public or any person entitled to use the same, or so as to become a nuisance or injurious to any adjacent owner or occupier. Trees in roads.

44.—(1.) An urban authority may on such days as they think fit (not exceeding twelve days in any one year, nor four consecutive days on any one occasion) close to the public any park or pleasure ground provided by them or any part thereof, and may grant the use of the same, either gratuitously or for payment, to any public charity or institution, or for any agricultural, horticultural, or other show, or any other public purpose, or may use the same for any such show or purpose; and the admission to the said park or pleasure ground, or such part thereof, on the days when the same shall be so closed to the public may be either with or without payment, as directed by the urban authority, or, with the consent of the urban authority, by the society or persons to whom the use of the park or pleasure ground, or such part thereof, may be granted: Provided that no such park or pleasure ground shall be closed on any Sunday or public holiday. Parks and pleasure grounds.

(2.) An urban authority may either themselves provide and let for hire, or may license any person to let for hire, any pleasure boats on any lake or piece of water in any such park or pleasure ground, and may make byelaws for regulating the numbering and naming of such boats, the number of persons to be carried therein, the boathouses and mooring places for the same, and for fixing rates of hire and the qualifications of boatmen, and for securing their good and orderly conduct while in charge of any boat.

A.D. 1890. 45. The powers of an urban authority under section one hundred and sixty-four of the Public Health Act, 1875, to contribute to the support of public walks or pleasure grounds, shall include a power to contribute towards the cost of the laying out, planting, or improvement of any lands provided by any person which have been permanently set apart as public walks or pleasure grounds, and which, whether in the district of the urban authority or not, are so situated as to be conveniently used by the inhabitants of the district, and shall also include a power to contribute towards the purchase by any person of lands so situate and to be so set apart as aforesaid.

Extension of 38 & 39 Vict. c. 55. s. 165. 46. Section one hundred and sixty-five of the Public Health Act, 1875, shall be extended so as to enable any urban authority to pay the reasonable cost of the repairing, maintaining, winding up, and lighting any public clock within their district although the same be not vested in them.

Restriction on throwing cinders, &c. into streams. 47.—(1.) It shall not be lawful for any person to throw or place or suffer to be thrown or placed into or in any river, stream, or watercourse within any district in which this part of this Act is adopted, any cinders, ashes, bricks, stone, rubbish, dust, filth, or other matter which is likely to cause annoyance.

(2.) Every person offending against this enactment shall be liable to a penalty not exceeding forty shillings for every such offence.

Extension of 38 & 39 Vict. c. 55. s. 306. 48. So much of section three hundred and six of the Public Health Act, 1875, as imposes penalties on persons who destroy, pull down, injure, or deface any board on which any byelaw, notice, or other matter is inscribed, shall apply to persons who destroy, pull down, injure, or deface any advertisement, placard, bill, or notice put up by or under the direction of a local authority.

Power to determine expenses of rural authorities to be special expenses. 49. The Local Government Board may by order on the application of any rural authority declare any expenses incurred by such authority to be special expenses within the meaning of sections two hundred and twenty-nine and two hundred and thirty of the Public Health Act, 1875.

Application of part of Act in rural districts. 50. The following provisions of this part of this Act shall be applicable in rural sanitary districts, namely,—

Section sixteen, relating to injurious matter being passed into sewers.

Section seventeen, relating to the turning of chemical refuse, steam, &c. into sewers.

Section eighteen, relating to local authorities making communication with drains, &c.

- Section nineteen, relating to the extension of section forty-one of the Public Health Act, 1875. A.D. 1890.
- Section twenty-one, relating to sanitary conveniences used in common.
- So much of section twenty-three, relating to the extension of section one hundred and fifty-seven of the Public Health Act, 1875, as applies to rural authorities.
- Section twenty-five, relating to the penalty for erecting buildings on ground filled up with offensive matter.
- Sub-section (2) of section twenty-six, relating to the power to make byelaws for certain sanitary purposes.
- Section twenty-eight, relating to the extension of sections one hundred and sixteen to one hundred and nineteen inclusive of the Public Health Act, 1875.
- Section thirty-two, relating to the extension of section eighty-four of the Public Health Act, 1875.
- Section thirty-three, relating to the use of buildings described in deposited plans otherwise than dwelling-houses.
- Section forty-seven, relating to the restriction on throwing cinders, &c. into streams.
- Section forty-eight, relating to the extension of section three hundred and six of the Public Health Act, 1875.
- Section forty-nine, relating to the powers of the Local Government Board to determine expenses of rural authorities to be special expenses.

#### PART IV.—MUSIC AND DANCING.

51. For the regulation of places ordinarily used for public dancing or music, or other public entertainment of the like kind, the following provisions shall have effect (namely):— Music and dancing licences.

1. After the expiration of six months from the adoption of this part of this Act, a house, room, garden, or other place, whether licensed or not for the sale of wine, spirits, beer, or other fermented or distilled liquors, shall not be kept or used for public dancing, singing, music, or other public entertainment of the like kind without a licence for the purpose or purposes for which the same respectively is to be used first obtained from the licensing justices of the licensing district in which the house, room, garden, or place is situate, and for the registration thereof a fee of five shillings shall be paid by the person applying therefor :

A.D. 1890.

2. Such justices may, under the hands of a majority of them assembled at their general annual licensing meeting or at any adjournment thereof or at any special session convened with fourteen days previous notice, grant licences to such persons as they think fit to keep or use houses, rooms, gardens, or places for all or any of the purposes aforesaid upon such terms and conditions, and subject to such restrictions as they by the respective licences determine, and every licence shall be in force for one year or for such shorter period as the justices on the grant of the licence shall determine, unless the same shall have been previously revoked as herein-after provided :
3. Such justices may from time to time at any such special session aforesaid transfer any such licence to such person as they think fit :
4. Each person shall in each case give fourteen days notice to the clerk of the licensing justices and to the chief officer of police of the police district in which the house, room, garden, or place is situated, of his intention to apply for any such licence or for the transfer of any such licence :
5. Any house, room, garden, or place kept or used for any of the purposes aforesaid without such licence first obtained shall be deemed a disorderly house, and the person occupying or rated as occupier of the same shall be liable to a penalty not exceeding five pounds for every day on which the same is kept or used for any of the purposes last aforesaid :
6. There shall be affixed and kept up in some conspicuous place on the door or entrance of every house, room, garden, or place so kept or used and so licensed as aforesaid, an inscription in large capital letters in the words following :  
 “ Licensed in pursuance of Act of Parliament for  
 ” with the addition of words showing the purpose or purposes for which the same is licensed :
7. Any house, room, garden, or place so kept or used, although so licensed as aforesaid, shall not be opened for any of the said purposes except on the days and between the hours stated in the licence :
8. The affixing and keeping up of such inscription as aforesaid, and the observance of the days and hours of opening and closing, shall be inserted in and made a condition of every such licence :
9. In case of any breach or disregard of any of the terms or conditions upon or subject to which the licence was granted,

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the holder thereof shall be liable to a penalty not exceeding twenty pounds, and to a daily penalty not exceeding five pounds, and such licence shall be liable to be revoked by the order of a court of summary jurisdiction. A.D. 1890.

10. No notice need be given under sub-section four of this section when the application is for a renewal of any existing licence held by the applicant for the same premises :
11. The justices in any petty sessions may, if and as they think fit, grant to any person applying for the same a licence to keep or use any house, room, garden, or place for any purpose within the meaning of this section for any period not exceeding fourteen days which they shall specify in such licence, notwithstanding that no notices shall have been given under sub-section four of this section :
12. This section shall not apply within twenty miles of the cities of London or Westminster :
13. In this section the expressions "licensing justice," "licensing district," and "clerk of the licensing justices" have respectively the same meanings as in the Licensing Acts, 1872-1874; the expression "police district" means any area for which a separate police force is maintained; and the expression "chief officer of police" means the chief constable, head constable, or other officer, by whatever name called, having the chief command of such separate police force.

## PART V.—STOCK.

52.—(1.) Where any authority, whether a municipal corporation, local board, or improvement commissioners, which is an urban authority, have for the time being, either in their capacity as urban authority or in any other capacity, any power to borrow money, they may, with the consent of the Local Government Board, exercise such power by the creation of stock to be created, issued, transferred, dealt with, and redeemed in such manner and in accordance with such regulations as the Local Government Board may from time to time prescribe. Issue of stock.

(2.) Without prejudice to the generality of the above power, such regulations may provide for the discharge of any loan raised by such stock, and in the case of consolidation of debt for extending or varying the times within which loans may be discharged, and may provide for the consent of limited owners and for the applica-



A.D. 1890. ---  
38 & 39 Vict.  
c. 89.

tion of the Acts relating to stamp duties and to cheques, and for the disposal of unclaimed dividends, and may apply for the purposes of this section, with or without modifications, any enactments of the Local Loans Act, 1875, and the Acts amending the same, and of any Act relating to stock issued by the Metropolitan Board of Works, or the County Council of London, or by the corporation of any municipal borough.

(3.) Such regulations shall be laid before each House of Parliament for not less than thirty days during which such House sits, and if either House during such thirty days resolves that such regulations ought not to be proceeded with, the same shall be of no effect, without prejudice nevertheless to the making of further regulations.

(4.) If no such resolution is passed, it shall be lawful for Her Majesty by Order in Council to confirm such regulations, and the same when so confirmed shall be deemed to have been duly made and to be within the powers of this Act, and shall be of the same force as if they were enacted in this Act.

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# Infectious Disease (Prevention) Act, 1890.

[53 & 54 VICT. CH. 34.]

## ARRANGEMENT OF SECTIONS.

A.D. 1890.

### Section.

1. Short title.
2. Definitions.
3. Extent of Act.
4. Inspection of dairies in certain cases : power to prohibit supply of milk.
5. Cleansing and disinfecting of premises, &c.
6. Disinfection of bedding, &c.
7. Penalty on persons ceasing to occupy houses without previous disinfection or giving notice to owner, or persons making false answers.
8. Prohibiting retention of dead bodies in certain cases.
9. Bodies of persons dying of infectious diseases in hospital, &c., to be removed only for burial.
10. Justices may in certain cases order dead bodies to be buried.
11. Disinfection of public conveyances if used for carrying corpses.
12. Detention of infected person without proper lodging in hospital by order of justice.
13. Infectious rubbish thrown into ashpits, &c., to be disinfected.
14. Notice of certain provisions.
15. Temporary shelter, &c.
16. Penalties.
17. Power of entry for purposes of s. 5.
18. Recovery and application of penalties.
19. Superseding in certain cases of provisions in local Acts.
20. Expenses.
21. Power of local authority to rescind adoption of Act.
22. Extent of Act.
23. Application of Act to Ireland.
24. Saving for Acts relating to dairies, animals, &c.





## CHAPTER 34.

An Act to prevent the Spread of Infectious Disease.

A.D. 1890.

[4th August 1890.]

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Infectious Disease (Prevention) Act, 1890. Short title.

2. Expressions used in this Act shall, unless the context otherwise requires, have the same meaning as the like expressions used in the Infectious Disease (Notification) Act, 1889 ; and the provisions of this Act shall apply to the infectious diseases specifically mentioned in that Act, and may be applied to any other infectious disease in the same manner as that Act may be applied to such disease. Definitions.

In this Act—

“Dairy” shall include any farm, farmhouse, cowshed, milk-store, milk-shop, or other place from which milk is supplied, or in which milk is kept for purposes of sale :

“Dairyman” shall include any cowkeeper, purveyor of milk, or occupier of a dairy :

“Medical officer of health” shall include any person duly authorised to act temporarily as medical officer of health :

“Local authority” shall include the Local Board of Woolwich, and the parish of Woolwich shall be deemed to be a London district.

3. The provisions of this Act shall extend—

(a.) to every London district after the expiration of four months from the passing of this Act ; and

(b.) to any urban or rural sanitary district after the adoption thereof ;

Extent of  
Act.

A.D. 1890. — and the local authority of any urban or rural sanitary district may adopt all or any of the sections of this Act by a resolution passed at a meeting of such authority. Fourteen clear days at least before such meeting special notice of the meeting, and of the intention to propose such resolution, shall be given to every member of the local authority, and the notice shall be deemed to have been duly given to a member if it is either—

- (a.) given in the mode in which notices to attend meetings of the local authority are usually given; or
- (b.) where there is no such mode, then signed by the clerk of the local authority and delivered to the member or left at his usual or last known place of abode in England, or forwarded by post in a prepaid letter addressed to the member at his usual or last known place of abode in England.

Every such resolution shall be published by advertisement in a local newspaper, and by handbills, and otherwise in such manner as the local authority think sufficient for giving notice thereof to all persons interested, and shall come into operation at such time, not less than one month after the first publication of the advertisement of the resolution, as the local authority may fix; and upon its coming into operation such of the sections of this Act as are mentioned in such resolution shall extend to the district.

A copy of the resolution shall be sent to the Local Government Board when it is published.

A copy of the advertisement shall be conclusive evidence of the resolution having been passed, unless the contrary be shown; and no objection to the effect of the resolution, on the ground that notice of the intention to propose the same was not duly given, or on the ground that the resolution was not sufficiently published, shall be made after three months from the date of the first advertisement.

Inspection  
of dairies  
in certain  
cases :  
power to  
prohibit  
supply of  
milk.

4. In case the medical officer of health is in possession of evidence that any person in the district is suffering from infectious disease attributable to milk supplied within the district from any dairy situate within or without the district, or that the consumption of milk from such dairy is likely to cause infectious disease to any person residing in the district, such medical officer shall, if authorised in that behalf by an order of a justice having jurisdiction in the place where such dairy is situate, have power to inspect such dairy, and if accompanied by a veterinary inspector or some other properly qualified veterinary surgeon to inspect the animals therein, and if on such inspection the medical officer of health shall be of opinion that infectious disease is caused



from consumption of the milk supplied therefrom, he shall report thereon to the local authority, and his report shall be accompanied by any report furnished to him by the said veterinary inspector or veterinary surgeon, and the local authority may thereupon give notice to the dairyman to appear before them within such time, not less than twenty-four hours, as may be specified in the notice, to show cause why an order should not be made requiring him not to supply any milk therefrom within the district until such order has been withdrawn by the local authority, and if, in the opinion of the local authority, he fails to show such cause, then the local authority may make such order as aforesaid; and the local authority shall forthwith give notice of the facts to the sanitary authority and county council (if any) of the district or county in which such dairy is situate, and also to the Local Government Board. An order made by a local authority in pursuance of this section shall be forthwith withdrawn on the local authority or the medical officer of health on its behalf being satisfied that the milk supply has been changed, or that the cause of the infection has been removed. Any person refusing to permit the medical officer of health on the production of such order as aforesaid to inspect any dairy, or if so accompanied as aforesaid to inspect the animals kept there, or after any such order not to supply milk as aforesaid has been given, supplying any milk within the district in contravention of such order, or selling it for consumption therein, shall be deemed guilty of an offence against this Act. Provided always, that proceedings in respect of such offence shall be taken before the justices of the peace having jurisdiction in the place where the said dairy is situate. Provided also, that no dairyman shall be liable to an action for breach of contract if the breach be due to an order from the local authority under this Act.

A.D. 1890.

5. Section twenty-two of the Sanitary Act, 1866, so far as it relates to any London district, and section one hundred and twenty of the Public Health Act, 1875, so far as it applies to any urban or rural sanitary district in which this section is adopted, shall be repealed, and the following provisions shall be in force instead thereof, viz.:

Cleansing and disinfecting of premises, &c.  
29 & 30 Vict.  
c. 90.  
38 & 39 Vict.  
c. 55.

- (1.) Where the medical officer of health of any local authority, or any other registered medical practitioner, certifies that the cleansing and disinfecting of any house, or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious disease, the clerk to the local authority shall give notice in writing to the owner or occupier

A.D. 1890.

of such house or part thereof that the same and any such articles therein will be cleansed and disinfected by the local authority at the cost of such owner or occupier, unless he informs the local authority within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the house or part thereof and any such articles therein to the satisfaction of the medical officer of health, within a time fixed in the notice.

(2.) If, within twenty-four hours from the receipt of the notice, the person to whom the notice is given does not inform the local authority as aforesaid, or if, having so informed the local authority, he fails to have the house or part thereof and any such articles disinfected as aforesaid within the time fixed in the notice, the house or part thereof and articles shall be cleansed and disinfected by the officers of the local authority under the superintendence of the medical officer of health, and the expenses incurred may be recovered from the owner or occupier in a summary manner.

(3.) Provided that where the owner or occupier of any such house or part thereof is unable in the opinion of the local authority, or of their medical officer of health, effectually to cleanse and disinfect such house or part thereof, and any article therein likely to retain infection, the same may without any such notice being given as aforesaid, but with the consent of such owner or occupier, be cleansed and disinfected by the officers of and at the cost of the local authority.

Disinfection  
of bedding,  
&c.

6. Any local authority, or the medical officer of health of any local authority generally empowered by the authority in that behalf, may by notice in writing require the owner of any bedding, clothing, or other articles which have been exposed to the infection of any infectious disease to cause the same to be delivered over to an officer of the local authority for removal for the purpose of disinfection; and any person who fails to comply with such a requirement shall be liable to a penalty not exceeding ten pounds.

The bedding, clothing, and articles shall be disinfected by the authority, and shall be brought back and delivered to the owner free of charge, and if any of them suffer any unnecessary damage the authority shall compensate the owner for the same and the amount of compensation shall be recoverable in, and in case of dispute shall be settled by, a court of summary jurisdiction.

Penalty on  
persons  
ceasing to

7. Every person who shall cease to occupy any house, room, or part of a house in which any person has within six weeks

previously been suffering from any infectious disease without having such house, room, or part of a house, and all articles therein liable to retain infection, disinfected to the satisfaction of a registered medical practitioner, as testified by a certificate signed by him, or without first giving to the owner of such house, room, or part of a house, notice of the previous existence of such disease, and every person ceasing to occupy any house, room, or part of a house, and who on being questioned by the owner thereof, or by any person negotiating for the hire of such house, room, or part of a house as to the fact of there having within six weeks previously been therein any person suffering from any infectious disease knowingly makes a false answer to such question shall be liable to a penalty not exceeding ten pounds.

A.D. 1890.

occupy houses without previous disinfection or giving notice to owner, or persons making false answers.

8. No person without the sanction in writing of the medical officer of health or of a registered medical practitioner, shall retain unburied elsewhere than in a public mortuary or in a room not used at the time as a dwelling-place, sleeping-place, or workroom, for more than forty-eight hours, the body of any person who has died of any infectious disease.

Prohibiting retention of dead bodies in certain cases.

9. If any person shall die from any infectious disease in any hospital or place of temporary accommodation for the sick, and the medical officer of health, or any other registered medical practitioner, certifies that in his opinion it is desirable, in order to prevent the risk of communicating any infectious disease or of spreading infection, that the body shall not be removed from such hospital or place except for the purpose of being forthwith buried, it shall not be lawful for any person or persons to remove such body from such hospital or place except for the last-mentioned purpose; and when the body is taken out of such hospital for that purpose it shall be forthwith carried or taken direct to some cemetery or place of burial, and shall be forthwith there buried; and any person wilfully offending against this section shall be liable to a penalty not exceeding ten pounds. Nothing in this Act shall prevent the removal of any dead body from any hospital or temporary place of accommodation for the sick to any mortuary, and such mortuary shall, for the purposes of this section, be deemed part of such hospital or place as aforesaid.

Bodies of persons dying of infectious diseases in hospital, &c., to be removed only for burial.

10. Where the body of any person who has died from any infectious disease remains unburied elsewhere than in a mortuary or in a room not used at the time as a dwelling-place, sleeping-place, or workroom, for more than forty-eight hours after death without the sanction of the medical officer of health or of a registered medical practitioner,

Justices may in certain cases order dead bodies to be buried.

A.D. 1890. — or where the dead body of any person is retained in any house or building so as to endanger the health of the inmates of such house or building, or of any adjoining or neighbouring house or building, any justice may, on the application of the medical officer of health, order the body to be removed at the cost of the local authority to any available mortuary, and direct the same to be buried within a time to be limited in the order; and any justice may, in the case of the body of any person who has died of any infectious disease, or in any case in which he shall consider immediate burial necessary, direct the body to be so buried. Unless the friends or relatives of the deceased undertake to bury and do bury the body within the time limited by such order, it shall be the duty of the relieving officer of the relief district from which the body has been removed to the mortuary, or in which the body shall be, if it has not been so removed, to bury such body, and any expense so incurred may be charged by the relieving officer in his accounts, and may be recovered by the board of guardians in a summary manner from any person legally liable to pay the expenses of such burial.

Disinfection  
of public  
conveyances  
if used for  
carrying  
corpses.

11. Any person who hires or uses a public conveyance other than a hearse for the conveyance of the body of a person who has died from any infectious disease, without previously notifying to the owner or driver of such public conveyance that the person whose body is or is intended to be so conveyed has died from infectious disease, and after any such notification as aforesaid, any owner or driver of a public conveyance, other than a hearse, which has been used for conveying the body of a person who has died from infectious disease, who shall not immediately afterwards provide for the disinfection of such conveyance, shall be guilty of an offence under this Act.

Detention of  
infected  
person with-  
out proper  
lodging in  
hospital by  
order of  
justice.

12. Any justice of the peace acting in and for the district of the local authority, upon proper cause shown to him, may make an order directing the detention in hospital at the cost of the local authority of any person suffering from any infectious disease, who is then in an hospital for infectious disease and would not on leaving such hospital be provided with lodging or accommodation in which proper precautions could be taken to prevent the spreading of the disorder by such person. Any order so to be made by any such justice may be limited to some specific time, but with full power to any justice to enlarge such time as often as may appear to him to be necessary. It shall be lawful for any officer of the local authority or inspector of police acting in the district, or for any officer of the hospital, on any such order being made to take



all necessary measures and do all necessary acts for enforcing the execution thereof. A.D. 1890.

13. Any person who shall knowingly cast, or cause or permit to be cast, into any ash-pit, ash-tub, or other receptacle for the deposit of refuse matter any infectious rubbish without previous disinfection, shall be guilty of an offence under this Act.

Infectious rubbish thrown into ashpits, &c., to be disinfected.

14. Where sections seven and thirteen of this Act, or either of them, are in force in any district, the local authority shall give notice of the provisions thereof to the occupier of any house in which they are aware that there is a person suffering from an infectious disease.

Notice of certain provisions.

15. The local authority shall from time to time provide, free of charge, temporary shelter or house accommodation with any necessary attendants for the members of any family in which any infectious disease has appeared, who have been compelled to leave their dwellings for the purpose of enabling such dwellings to be disinfected by the local authority.

Temporary shelter, &c.

16. Every person who shall wilfully obstruct any duly authorised officer of the local authority in carrying out the provisions of this Act, or who shall obstruct the carrying out of an order made by a justice under this Act, or who shall offend against any enactment of this Act for the time being in force in any district by which no penalty is specifically imposed, shall be liable to a penalty not exceeding five pounds, and if the offence is a continuing one, to a daily penalty not exceeding forty shillings a day so long as the offence continues.

Penalties.

17. For the purpose of carrying into effect the provisions of section five of this Act the local authority may, by any officer appointed in that behalf, who shall produce his authority in writing, enter on any premises between the hours of ten o'clock of the forenoon and six o'clock of the afternoon.

Power of entry for purposes of s. 5.

18. Every penalty imposed by this Act shall be recoverable in a court of summary jurisdiction on the information or complaint of the local authority, or of their duly authorised officer, but not otherwise, and shall be paid to the local authority.

Recovery and application of penalties.

19. Where a provision of this Act is put in force in any district in which there is any similar provision in force contained in any local Act, such last-mentioned provision shall cease to be in operation.

Superseding in certain cases of provisions in local Acts.



A.D. 1890.  
Expenses.

20. Any expenses incurred by a local authority in the execution of any of the provisions of this Act, including the reasonable remuneration of any veterinary inspector or surgeon employed under section four, shall be paid as part of the expenses of such authority in the execution of the Acts relating to public health, and in the case of a rural authority shall be general expenses.

Power of  
local authority  
to  
repeal  
adoption  
of Act.

21. Any resolution adopting all or any of the sections of this Act may be rescinded, either wholly or as regards any of the adopted sections, by resolution of the local authority, but notice of the meeting at which such resolution is to be proposed, and of the intention to propose the same, shall be given, and such resolution shall be published, and shall come into operation, in like manner and at such time as is herein-before provided with respect to resolutions adopting this Act, and a copy of the resolution shall be sent to the Local Government Board when it is published.

On the resolution coming into effect the sections of this Act, the adoption of which is thereby rescinded, shall cease to extend to the district.

The provisions herein-before contained, as to evidence of and objections to the effect of a resolution adopting this Act, shall apply to any resolution rescinding such adoption.

Extent of  
Act.

22. This Act shall not apply to Scotland.

Application  
of Act to  
Ireland.  
52 & 53 Vict.  
c. 72.

23. This Act shall apply to Ireland, with the same modifications as are made in the Infectious Disease (Notification) Act, 1889, for the purpose of its application to Ireland, and with the following additional modifications:—

In this Act, unless the context otherwise requires—

The expression “Her Majesty’s Privy Council” means the Lord Lieutenant acting by the advice of Her Majesty’s Privy Council in Ireland:

The expression “inspector of police” includes a member of the Royal Irish Constabulary Force and a member of the Dublin Metropolitan Police.

The reference to section one hundred and twenty of the Public Health Act, 1875, shall be taken to be a reference to section one hundred and thirty-seven of the Public Health (Ireland) Act, 1878.

41 & 42 Vict.  
c. 52.

Saving for  
Acts relating  
to dairies,  
animals, &c.

24. Nothing in or done under this Act, shall interfere with the operation or effect of the Contagious Diseases (Animals) Acts, 1878 to 1886, or of any order, licence, or act of Her Majesty’s Privy Council or the Local Government Board made, granted, or done, or to be made, granted, or done, thereunder; or of any order, regulation,

licence, or act of a local authority made, granted, or done under any such order of the Privy Council or the Local Government Board; or exempt any dairy, or building, or thing whatsoever, or any body or person from the provisions of any general Act relating to dairies, milk, or animals, already passed, or to be passed in this or any future session of Parliament. A.D. 1890.

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# Housing of the Working Classes Act, 1890.

[53 & 54 VICT. CH. 70.]

## ARRANGEMENT OF SECTIONS.

A.D. 1890.

Section.

1. Short title of Act.

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[Price 10½d.]

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Section.

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54. Adoption of this part of Act.
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61. Management to be vested in local authority.
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63. Disqualification of tenants of lodging houses on receiving parochial relief.
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  - 74. Amendment of 45 & 46 Vict. c. 38., as regards erection of buildings for working classes.
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  - 76. Medical officer of health in county of London.
  - 77. Power to local authority to enter and value premises.
  - 78. Compensation to tenants for expense of removal.
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  - 81. Power of local authority to appoint committees.
  - 82. Application of purchase money.
  - 83. Rates of loans by Public Works Loan Commissioners.
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  - 85. Local inquiries.
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  - 88. Prohibition on persons interested voting as members of local authority.
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Section.

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  95. Modifications as regards legal proceedings in Scotland.
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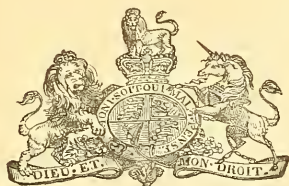
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## CHAPTER 70.

An Act to consolidate and amend the Acts relating to Artizans and Labourers Dwellings and the Housing of the Working Classes. [18th August 1890.]

A.D. 1890.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Housing of the Working Classes Act, 1890.

Short title  
of Act.

### PART I.

#### UNHEALTHY AREAS.

2. In this part of this Act—

The expression “this part of this Act” includes any confirming Act, and

The expression “the Acts relating to nuisances” means—

as respects the county of London and city of London, the Nuisances Removal Acts as defined by the Sanitary Act, 1866, and any Act amending these Acts ; and

as respects any urban sanitary district in England, the Public Health Acts ;

and in the case of any of the above-mentioned areas, includes any local Act which contains any provisions with respect to nuisances in that area.

3. This part of this Act shall not apply to rural sanitary districts.

Definitions.

29 & 30 Vict.  
c. 90. s. 14.

Application  
of Part I. of  
Act.



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*Scheme by Local Authority.*

Local  
authority  
on being  
satisfied by  
official repre-  
sentation of  
the un-  
healthiness  
of district  
to make  
scheme for  
its improve-  
ment.

4. Where an official representation as herein-after mentioned is made to the local authority that within a certain area in the district of such authority either—

(a.) any houses, courts, or alleys are unfit for human habitation,  
or

(b.) the narrowness, closeness, and bad arrangement, or the bad condition of the streets and houses or groups of houses within such area, or the want of light, air, ventilation, or proper conveniences, or any other sanitary defects, or one or more of such causes, are dangerous or injurious to the health of the inhabitants either of the buildings in the said area or of the neighbouring buildings ;

and that the evils connected with such houses, courts, or alleys, and the sanitary defects in such area cannot be effectually remedied otherwise than by an improvement scheme for the rearrangement and reconstruction of the streets and houses within such area, or of some of such streets or houses, the local authority shall take such representation into their consideration, and if satisfied of the truth thereof, and of the sufficiency of their resources, shall pass a resolution to the effect that such area is an unhealthy area, and that an improvement scheme ought to be made in respect of such area, and after passing such resolution they shall forthwith proceed to make a scheme for the improvement of such area.

Provided always, that any number of such areas may be included in one improvement scheme.

Official re-  
presentation,  
by whom to  
be made.

5.—(1.) An official representation for the purposes of this part of this Act shall mean a representation made to the local authority by the medical officer of health of that authority, and in London made either by such officer or by any medical officer of health in London.

(2.) A medical officer of health shall make such representation whenever he sees cause to make the same ; and if two or more justices of the peace acting within the district for which he acts as medical officer of health, or twelve or more persons liable to be rated to the local rate complain to him of the unhealthiness of any area within such district, it shall be the duty of the medical officer of health forthwith to inspect such area, and to make an official representation stating the facts of the case, and whether in his opinion the said area or any part thereof is an unhealthy area or is not an unhealthy area.

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6.—(1.) The improvement scheme of a local authority shall be accompanied by maps, particulars, and estimates, and

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Requisites  
of improve-  
ment scheme  
of local  
authority.

(a.) may exclude any part of the area in respect of which an official representation is made, or include any neighbouring lands, if the local authority are of opinion that such exclusion is expedient or inclusion is necessary for making their scheme efficient for sanitary purposes; and

(b.) may provide for widening any existing approaches to the unhealthy area or otherwise for opening out the same for the purposes of ventilation or health; and

(c.) shall provide such dwelling accommodation, if any, for the working classes displaced by the scheme as is required to comply with this Act; and

(d.) shall provide for proper sanitary arrangements.

(2.) The scheme shall distinguish the lands proposed to be taken compulsorily.

(3.) The scheme may also provide for the scheme or any part thereof being carried out and effected by the person entitled to the first estate of freehold in any property comprised in the scheme or with the concurrence of such person, under the superintendence and control of the local authority, and upon such terms and conditions to be embodied in the scheme as may be agreed upon between the local authority and such person.

### *Confirmation of Scheme.*

7. Upon the completion of an improvement scheme the local authority shall—

Publication  
of notices.

(a.) publish, during three consecutive weeks in the month of September, or October, or November, in some one and the same newspaper circulating within the district of the local authority, an advertisement stating the fact of a scheme having been made, the limits of the area comprised therein, and naming a place within such area or in the vicinity thereof where a copy of the scheme may be seen at all reasonable hours; and

(b.) during the month next following the month in which such advertisement is published serve a notice on every owner or reputed owner, lessee or reputed lessee, and occupier of any lands proposed to be taken compulsorily, so far as such persons can reasonably be ascertained, stating that such lands are proposed to be taken compulsorily for the purpose of an

Service of  
notices.

A.D. 1890.  
—

improvement scheme, and in the case of any owner or reputed owner, lessee or reputed lessee, requiring an answer stating whether the person so served dissents or not in respect of taking such lands ;

(c.) Such notice shall be served—

(i.) by delivery of the same personally to the person required to be served, or if such person is absent abroad, or cannot be found, to his agent, or if no agent can be found, then by leaving the same on the premises ; or,

(ii.) by leaving the same at the usual or last known place of abode of such person as aforesaid ; or,

(iii.) by post addressed to the usual or last known place of abode of such person.

(d.) One notice addressed to the occupier or occupiers without naming him or them, and left at any house, shall be deemed to be a notice served on the occupier or on all the occupiers of any such house.

Making and  
confirmation  
of provi-  
sional order.

8.—(1.) Upon compliance with the foregoing provisions with respect to the publication of an advertisement and the service of notices, the local authority shall present a petition, if it relates to any part of the county or city of London, to a Secretary of State, and if it relates to any other place, to the Local Government Board, praying that an order may be made confirming such scheme.

(2.) The petition shall be accompanied by a copy of the scheme, and shall state the names of the owners or reputed owners, lessees or reputed lessees, who have dissented in respect of the taking their lands, and shall be supported by such evidence as the Secretary of State or Local Government Board, according to the circumstances of the case (in this part of this Act referred to as the confirming authority), may from time to time require.

(3.) If, on consideration of the petition and on proof of the publication of the proper advertisements and the service of the proper notices, the confirming authority think fit to proceed with the case, they shall direct a local inquiry to be held in, or in the vicinity of, the area comprised in the scheme, for the purpose of ascertaining the correctness of the official representation made as to the area and the sufficiency of the scheme provided for its improvement, and any local objections to be made to such scheme.

(4.) After receiving the report made upon such inquiry, the confirming authority may make a provisional order declaring the limits of the area comprised in the scheme and authorising such scheme to be carried into execution.

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(5.) Such provisional order may be made either absolutely or with such conditions and modifications of the scheme as the confirming authority may think fit, so that no addition be made to the lands proposed in the scheme to be taken compulsorily, and it shall be the duty of the local authority to serve a copy of any provisional order so made in the manner and upon the persons in which and upon whom notices in respect of lands proposed to be taken compulsorily are required by this part of this Act to be served, except tenants for a month or a less period than a month.

(6.) A provisional order made in pursuance of this section shall not be of any validity unless and until it has been confirmed by Act of Parliament; and it shall be lawful for the confirming authority, as soon as conveniently may be, to obtain such confirmation, and any Act confirming any provisional order made in pursuance of this part of this Act, with such modifications as may seem fit to Parliament, shall be a public General Act of Parliament, and is in this part of this Act referred to as the confirming Act.

(7.) The confirming authority may make such order as they think fit in favour of any person whose lands were proposed by the scheme to be taken compulsorily for the allowance of the reasonable costs, charges, and expenses properly incurred by him in opposing such scheme.

(8.) All costs, charges, and expenses incurred by the confirming authority in relation to any provisional order under this part of this Act shall, to such amount as the confirming authority think proper to direct, and all costs, charges, and expenses of any person to such amount as may be allowed to him by the confirming authority in pursuance of the aforesaid power, shall be deemed to be an expense incurred by the local authority under this part of this Act, and shall be paid to the confirming authority and to such person respectively, in such manner and at such times and either in one sum or by instalments as the confirming authority may order, with power for the confirming authority to direct interest to be paid at such rate not exceeding five pounds in the hundred by the year as the confirming authority may determine, upon any sum for the time being due in respect of such costs, charges, and expenses as aforesaid.

(9.) Any order made by the confirming authority in pursuance of this section may be made a rule of a superior court, and be enforced accordingly.

9.—(1.) Where any Bill for confirming a provisional order authorising an improvement scheme is referred to a Committee of either

Costs to be  
awarded in  
certain cases.

A D. 1890. House of Parliament upon the petition of any person opposing such Bill, the Committee shall take into consideration the circumstances under which such opposition is made to the Bill, and whether such opposition was or was not justified by such circumstances, and shall award costs accordingly to be paid by the promoters or the opponents of the Bill as the Committee may think just.

(2.) Any costs under this section may be taxed and recovered in the manner in which costs may be taxed and recovered under the Act of the session of the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter twenty-seven.

(3.) The decision of the majority of the members of the Committee for the time being present and voting on any question under this section shall be deemed to be the decision of the Committee.

Inquiry on refusal of local authority to make an improvement scheme.

10. Where an official representation is made to the local authority with a view to their passing a resolution in favour of an improvement scheme, and they fail to pass any resolution in relation to such representation, or pass a resolution to the effect that they will not proceed with such scheme, the local authority shall, as soon as possible, send a copy of the official representation, accompanied by their reasons for not acting upon it, to the confirming authority, and, upon the receipt thereof, the confirming authority may direct a local inquiry to be held, and a report to be made to them with respect to the correctness of the official representation made to the local authority, and any matters connected therewith on which the confirming authority may desire to be informed.

*Provision of Dwelling Accommodation for Working Classes displaced by Scheme.*

Requisites of improvement scheme as to accommodation of working classes.

11.—(1.) Subject as herein-after mentioned, every scheme comprising an area in the county or city of London shall provide for the accommodation of at the least as many persons of the working class as may be displaced in the area comprised therein, in suitable dwellings, which, unless there are any special reasons to the contrary, shall be situate within the limits of the same area, or in the vicinity thereof.

Provided that—

(a.) Where it is proved to the satisfaction of the confirming authority on an application to authorise a scheme that equally convenient accommodation can be provided for any persons of the working classes displaced by the scheme at some place



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other than within the area or the immediate vicinity of the area comprised in the scheme, and that the required accommodation has been or is about to be forthwith provided, either by the local authority or by any other person or body of persons, the confirming authority may authorise such scheme, and the requirements of this section with respect to providing accommodation for persons of the working class shall be deemed to have been complied with to the extent to which accommodation is so provided; and

(b.) Where the local authority apply for a dispensation under this section, and the officer conducting the local inquiry directed by the confirming authority reports that it is expedient, having regard to the special circumstances of the locality and to the number of artisans and others belonging to the working class dwelling within the area, and being employed within a mile thereof, that a modification should be made, the confirming authority, without prejudice to any other powers conferred on it by this part of this Act, may in the Provisional Order authorising the scheme, dispense altogether with the obligation of the local authority to provide for the accommodation of the persons of the working class who may be displaced by the scheme to such extent as the confirming authority may think expedient, having regard to such special circumstances as aforesaid, but not exceeding one half of the persons so displaced.

(2.) Where a scheme comprises an area situate elsewhere than in the county or city of London, it shall, if the confirming authority so require (but it shall not otherwise be obligatory on the local authority so to frame their scheme), provide for the accommodation of such number of those persons of the working classes displaced in the area with respect to which the scheme is proposed in suitable dwellings to be erected in such place or places either within or without the limits of the same area as the said authority on a report made by the officer conducting the local inquiry may require.

*Execution of Scheme by Local Authority.*

12.—(1.) When the confirming Act authorising any improvement scheme of a local authority under this part of this Act has been passed by Parliament, it shall be the duty of that authority to take

Duty of local  
authority to  
carry scheme  
when con-  
firmed, into  
execution.

A.D. 1890. — steps for purchasing the lands required for the scheme, and otherwise for carrying the scheme into execution as soon as practicable.

(2.) They may sell or let all or any part of the area comprised in the scheme to any purchasers or lessees for the purpose and under the condition that such purchasers or lessees will, as respects the land so purchased by or leased to them, carry the scheme into execution; and in particular they may insert in any grant or lease of any part of the area provisions binding the grantee or lessee to build thereon as in the grant or lease prescribed, and to maintain and repair the buildings, and prohibiting the division of buildings, and any addition to or alteration of the character of buildings without the consent of the local authority, and for the re-vesting of the land in the local authority, or their re-entry thereon, on breach of any provision in the grant or lease.

(3.) The local authority may also engage with any body of trustees, society, or person, to carry the whole or any part of such scheme into effect upon such terms as the local authority may think expedient, but the local authority shall not themselves, without the express approval of the confirming authority, undertake the rebuilding of the houses or the execution of any part of the scheme, except that they may take down any or all of the buildings upon the area, and clear the whole or any part thereof, and may lay out, form, pave, sewer, and complete all such streets upon the land purchased by them as they may think fit, and all streets so laid out and completed shall thenceforth be public streets, repairable by the same authority as other streets in the district.

(4.) Provided that in any grant or lease of any part of the area which may be appropriated by the scheme for the erection of dwellings for the working classes the local authority shall impose suitable conditions and restrictions as to the elevation, size, and design of the houses, and the extent of the accommodation to be afforded thereby, and shall make due provision for the maintenance of proper sanitary arrangements.

(5.) If the local authority erect any dwellings out of funds to be provided under this part of this Act, they shall, unless the confirming authority otherwise determine, sell and dispose of all such dwellings within ten years from the time of the completion thereof.

(6.) The local authority may, where they think it expedient so to do, without themselves acquiring the land, or after or subject to their

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acquiring any part thereof, contract with the person entitled to the first estate of freehold in any land comprised in an improvement scheme for the carrying of the scheme into effect by him in respect of such land. A.D. 1890.

13. If within five years after the removal of any buildings on the land set aside by any scheme authorised by a confirming Act as sites for working men's dwellings, the local authority have failed to sell or let such land for the purposes prescribed by the scheme, or have failed to make arrangements for the erection of the said dwellings, the confirming authority may order the said land to be sold by public auction or public tender, with full power to fix a reserve price, subject to the conditions imposed by the scheme, and to any modifications thereof which may be made in pursuance of this part of this Act, and to a special condition on the part of the purchaser to erect upon the said land dwellings for the working classes, in accordance with plans to be approved by the local authority, and subject to such other reservations and regulations as the confirming authority may deem necessary. Completion of scheme on failure by local authority.

14. The local authority shall, not less than thirteen weeks before taking any fifteen houses or more, make known their intention to take the same by placards, handbills, or other general notices placed in public view upon or within a reasonable distance of such houses, and the local authority shall not take any such houses until they have obtained a certificate of a justice of the peace that it has been proved to his satisfaction that the local authority have made known, in manner required by this section, their intention to take such houses. Notice to occupiers by placards.

15.—(1.) The confirming authority, on application from the local authority, and on its being proved to their satisfaction that an improvement can be made in the details of any scheme authorised by a confirming Act, may permit the local authority to modify any part of their improvement scheme which it may appear inexpedient to carry into execution, but any part of the scheme respecting the provision of dwelling accommodation for persons of the working class, when so modified, shall be such as might have been inserted in the original scheme. Power of confirming authority to modify authorised scheme.

(2.) A statement of any modifications permitted to be made in any part of an improvement scheme in pursuance of this section shall be laid by the confirming authority before both Houses of Parliament as soon as practicable after the permission is given, if

A.D. 1890. Parliament be then sitting, and if not, within one month after the next meeting of Parliament.

Provided always, that if such modification requires a larger public expenditure than that sanctioned by the former scheme, or the taking of any property otherwise than by agreement, or affects injuriously other property in a manner different to that proposed in the former scheme without the consent of the owner and occupier of any such property, the modification must be made by a provisional order to be confirmed by Act of Parliament in the manner provided by this part of this Act on the completion of an improvement scheme.

*Inquiries with respect to Unhealthy Areas.*

Inquiry on  
default of  
medical  
officer in  
certain  
cases.

16.—(1.) Where in any district twelve or more ratepayers have complained to a medical officer of health of the unhealthiness of any area within that district, and the medical officer of health has failed to inspect such area, or to make an official representation with respect thereto, or has made an official representation to the effect that in his opinion the area is not an unhealthy area, such ratepayers may appeal to the confirming authority, and upon their giving security to the satisfaction of that authority for costs, the confirming authority shall appoint a legally qualified medical practitioner to inspect such area, and to make representation to the confirming authority, stating the facts of the case, and whether, in his opinion, the area or any part thereof is or is not an unhealthy area. The representation so made shall be transmitted by the confirming authority to the local authority, and if it states that the area is an unhealthy area the local authority shall proceed therein in the same manner as if it were an official representation made to that authority.

(2.) The confirming authority shall make such order as to the costs of the inquiry as they think just, with power to require the whole or any part of such costs to be paid by the appellants where the medical practitioner appointed is of opinion that the area is not an unhealthy area, and to declare the whole or any part of such costs to be payable by the local authority where he is of opinion that the area or any part thereof is an unhealthy area.

(3.) Any order made by the confirming authority in pursuance of this section may be made a rule of a superior court, and be enforced accordingly.



17. Where a local inquiry is directed, an officer shall be sent by the confirming authority to the area to which such inquiry relates for the purpose of making an inquiry into the correctness of the official representation made to the local authority as to such area being an unhealthy area, and into the sufficiency of the scheme provided for its improvement, and into any local objections to be made to such scheme, and to any other matter into which he is directed by this Act or the confirming authority to inquire for the purposes of this Act.

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Proceedings  
on local  
inquiry.

18. Before commencing such inquiry the officer appointed to conduct the same shall make public by advertisement or otherwise in such manner as he thinks best calculated to give information to the persons residing in the area his intention to make such inquiry, and a statement of a time and place at which he will be prepared to hear all persons desirous of being heard before him upon the subject of the inquiry.

Notice of  
inquiry to  
be publicly  
given.

19. The officer conducting such inquiry shall have power to administer an oath; he shall report the result of the inquiry to the confirming authority, who shall deal with such report in such manner as they think expedient.

Power to  
administer  
oath.

#### *Acquisition of Land.*

20. The clauses of the Lands Clauses Acts, with respect to the purchase and taking of lands otherwise than by agreement shall not, except to the extent set forth in the Second Schedule to this Act, apply to any lands taken in pursuance of this part of this Act, but save as aforesaid the said Lands Clauses Acts, as amended by the provisions contained in the said schedule, shall regulate and apply to the purchase and taking of lands, and shall for that purpose be deemed to form part of this part of this Act in the same manner as if they were enacted in the body thereof; subject to the provisions of this part of this Act and to the provisions following; that is to say,

Acquisition  
of land.

- (i.) This part of this Act shall authorise the taking by agreement of any lands which the local authority may require for the purpose of carrying into effect the scheme authorised by any confirming Act, but it shall authorise the taking by the exercise of any compulsory powers of such lands only as are proposed by the scheme in the confirming Act to be taken compulsorily:



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- (ii.) In the construction of the Lands Clauses Acts, and the provisions in the Second Schedule to this Act, this part of this Act shall be deemed to be the special Act, and the local authority shall be deemed to be the promoters of the undertaking; and the period after which the powers for the compulsory purchase or taking of lands shall not be exercised shall be three years after the passing of the confirming Act.

Special provision as to compensation.

**21.—**(1.) Whenever the compensation payable in respect of any lands or of any interests in any lands proposed to be taken compulsorily in pursuance of this part of this Act requires to be assessed—

(a) the estimate of the value of such lands or interests shall be based upon the fair market value, as estimated at the time of the valuation being made of such lands, and of the several interests in such lands, due regard being had to the nature and then condition of the property, and the probable duration of the buildings in their existing state, and to the state of repair thereof, without any additional allowance in respect of the compulsory purchase of an area or of any part of an area in respect of which an official representation has been made, or of any lands included in a scheme which, in the opinion of the arbitrator, have been so included as falling under the description of property which may be constituted an unhealthy area under this part of this Act; and

(b) in such estimate any addition to or improvement of the property made after the date of the publication in pursuance of this part of this Act of an advertisement stating the fact of the improvement scheme having been made shall not (unless such addition or improvement was necessary for the maintenance of the property in a proper state of repair) be included, nor in the case of any interest acquired after the said date shall any separate estimate of the value thereof be made so as to increase the amount of compensation to be paid for the lands; and

(2.) On the occasion of assessing the compensation payable under any improvement scheme in respect of any house or premises situate within an unhealthy area evidence shall be receivable by the arbitrator to prove—

(1st) that the rental of the house or premises was enhanced by reason of the same being used for illegal purposes or being so

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overcrowded as to be dangerous or injurious to the health of the inmates; or

(2ndly) that the house or premises are in such a condition as to be a nuisance within the meaning of the Acts relating to nuisances, or are in a state of defective sanitation, or are not in reasonably good repair; or

(3rdly) that the house or premises are unfit, and not reasonably capable of being made fit, for human habitation;

and, if the arbitrator is satisfied by such evidence, then the compensation—

(a) shall in the first case so far as it is based on rental be based on the rental which would have been obtainable if the house or premises were occupied for legal purposes and only by the number of persons whom the house or premises were under all the circumstances of the case fitted to accommodate without such overcrowding as is dangerous or injurious to the health of the inmates; and

(b) shall in the second case be the amount estimated as the value of the house or premises if the nuisance had been abated, or if they had been put into a sanitary condition, or into reasonably good repair, after deducting the estimated expense of abating the nuisance, or putting them into such condition or repair, as the case may be; and

(c) shall in the third case be the value of the land, and of the materials of the buildings thereon.

**22.** Upon the purchase by the local authority of any lands required for the purpose of carrying into effect any scheme, all rights of way, rights of laying down or of continuing any pipes, sewers, or drains on, through, or under such lands, or part thereof, and all other rights or easements in or relating to such lands, or any part thereof, shall be extinguished, and all the soil of such ways, and the property in the pipes, sewers, or drains, shall vest in the local authority, subject to this provision, that compensation shall be paid by the local authority to any persons or bodies of persons proved to have sustained loss by this section, and such compensation shall be determined in the manner in which compensation for lands is determinable under this part of this Act, or as near thereto as circumstances admit.

Extinction  
of rights of  
way and  
other ease-  
ments.

**23.** A local authority may, for the purpose of providing accommodation for persons of the working classes displaced by any

Application  
tion of lands  
for accom-

A.D. 1890. improvement scheme, appropriate any lands for the time being  
moderation of belonging to them which are suitable for the purpose, or may  
working purchase by agreement any such further lands as may be  
classes. convenient.

*Expenses.*

Formation  
of improve-  
ment fund  
for purposes  
of Act.

24.—(1.) The receipts of a local authority under this part of this Act shall form a fund (in this Act referred to as “the “ Dwelling-house Improvement Fund”), and their expenditure shall be defrayed out of such fund.

(2.) The moneys required in the first instance to establish such fund, and any deficiency for the purposes of this part of this Act from time to time appearing in such fund by reason of the excess of expenditure over receipts, shall be supplied out of the local rates or out of moneys borrowed in pursuance of this Act.

(3.) In settling any accounts of the local authority in respect of any transactions under this part of this Act, care shall be taken that as far as may be practicable all expenditure shall ultimately be defrayed out of the property dealt with under this part of this Act; and any balances of profit made by the local authority under this part of this Act shall be applicable to any purposes to which the local rate is for the time being applicable.

(4.) Any limit imposed on or in respect of local rates by any other Act of Parliament shall not apply to any rate required to be levied for the purpose of defraying any expenses under this part of this Act.

(5.) The local authority may carry to the account of the Dwelling-house Improvement Fund any such money or produce of any property, as is legally applicable to purposes similar to the purposes of this part of this Act; and in case of doubt as to whether, in any particular case, the purposes are so similar the confirming authority may decide such doubt, and such decision shall be conclusive.

Power of  
borrowing  
money for  
the purposes  
of Part I.  
of Act.

25.—(1.) A local authority may, in manner in this section mentioned, borrow such money as is required for the purposes of this part of this Act on the security of the local rate.

(2.) For the purpose of such borrowing, the London County Council may, with the assent of the Treasury, create consolidated stock under the Metropolitan Board of Works Loans Acts, 1869 to 1871, but all moneys required for the payment of the

dividends on and the redemption of the consolidated stock created for the purposes of this part of this Act shall be charged to the special county account to which the expenditure for the purposes of this part of this Act is chargeable. A.D. 1890.

(3.) For the purpose of such borrowing, the Commissioners of Sewers for the City of London may borrow and take up at interest such money on the credit of the local rates, or any of them, as they may require for the purposes of this part of this Act, and may mortgage any such rate or rates to the persons by or on behalf of whom such money is advanced for securing the repayment to them of the sums borrowed, with interest thereon, and for the purposes of any mortgages so made by the Commissioners of Sewers, the clauses of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners shall be incorporated with this part of this Act; and in the construction of that Act "the special Act" shall mean this part of this Act; "the commissioners" shall mean the Commissioners of Sewers; "the clerk of the commissioners" shall include any officer appointed for the purpose by the Commissioners of Sewers by this part of this Act; and the mortgagees or assignees of any mortgage made as last aforesaid may enforce payment of the arrears of principal and interest due to them by the appointment of a receiver. 10 & 11 Vict.  
c.16.

(4.) For the purpose of such borrowing, the urban sanitary authority shall have the same power of borrowing as they have under the Public Health Acts for the purpose of defraying any expenses incurred by them in the execution of those Acts.

(5.) The Public Works Loan Commissioners, may, on the recommendation of the confirming authority, lend to any local authority any money required by them for purposes of this part of this Act, on the security of the local rate. Such loan shall be repaid within such period, not exceeding fifty years, as may be recommended by the confirming authority.

#### *General Provisions.*

26. In case of the illness or unavoidable absence of a medical officer of health, the authority, board, or vestry who appointed him may (subject to the approval of the confirming authority) appoint a duly qualified medical practitioner, for the period of six months, or any less period to be named in the appointment. Provision in  
case of  
absence of  
medical  
officer of  
health.

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Power of  
confirming  
authority as  
to adver-  
tisements  
and notices.

27. The confirming authority may by order prescribe the forms of advertisements and notices under this part of this Act; it shall not be obligatory on any persons to adopt such forms, but the same, when adopted, shall be deemed sufficient for all the purposes of this part of this Act.

Power of  
confirming  
authority to  
dispense  
with notices  
in certain  
cases.

28. The confirming authority may, on the consideration of any petition of a local authority for an order confirming a scheme, dispense with the publication of any advertisement, or the service of any notice, proof of which publication or service is not given to them as required by this part of this Act, where reasonable cause is shown to their satisfaction why such publication or service should be dispensed with, and such dispensation may be made by the confirming authority, either unconditionally or upon such condition as to the publication of other advertisements and the service of other notices or otherwise as the confirming authority may think fit, due care being taken by the confirming authority to prevent the interest of any person being prejudiced by the fact of the publication of any advertisement or the service of any notice being dispensed with in pursuance of this section.

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PART II.

A.D. 1890.

UNHEALTHY DWELLING-HOUSES.

*Preliminary.*

**29.** In this part of this Act, unless the context otherwise requires— Definitions :  
The expression “ street ” includes any court, alley, street, square, “ Street.”  
or row of houses :

The expression “ dwelling-house ” means any inhabited building, “ Dwelling-  
and includes any yard, garden, outhouses, and appurtenances house.”  
belonging thereto or usually enjoyed therewith, and includes  
the site of the dwelling-house as so defined.

The expression “ owner,” in addition to the definition given by “ Owner.”  
the Lands Clauses Acts, includes all lessees or mortgagages of  
any premises required to be dealt with under this part of this  
Act, except persons holding or entitled to the rents and profits  
of such premises for a term of years, of which twenty-one years  
do not remain unexpired :

The expression “ closing order ” means an order prohibiting the “ Closing  
use of premises for human habitation made under the enact- order.”  
ments set out in the Third Schedule in this Act.

*Buildings unfit for Human Habitation.*

**30.** It shall be the duty of the medical officer of health of every district to represent to the local authority of that district any dwelling-house which appears to him to be in a state so dangerous or injurious to health as to be unfit for human habitation. Representation by medical officer of health.

**31.—(1.)** If in any district any four or more householders living in or near to any street complain in writing to the medical officer of health of that district that any dwelling-house in or near that street is in a condition so dangerous or injurious to health as to be unfit for human habitation, he shall forthwith inspect the same, and transmit to the local authority the said complaint, together with his opinion thereon, and if he is of opinion that the dwelling-house is in the condition aforesaid, shall represent the same to the local authority, but the absence of any such complaint shall not excuse him from inspecting any dwelling-house and making a representation thereon to the local authority. Representation on householders' complaint.

(2.) If within three months after receiving the said complaint and opinion or representation of the medical officer, the local authority, not being in the administrative county of London, or not being a rural sanitary authority in any other county, declines or neglects to take any proceedings to put this part of this Act in force, the householders who signed such complaint may petition the Local Government Board for an inquiry, and the said Board after causing

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an inquiry to be held may order the local authority to proceed under this part of this Act, and such order shall be binding on the local authority.

*Closing Order and Demolition.*

Duty of local authority as to closing of dwelling-house unfit for human habitation.

**32.**—(1.) It shall be the duty of every local authority to cause to be made from time to time inspection of their district, with a view to ascertain whether any dwelling-house therein is in a state so dangerous or injurious to health as to be unfit for human habitation, and, if on the representation of the medical officer, or of any officer of such authority, or information given, any dwelling-house appears to them to be in such state, to forthwith take proceedings against the owner or occupier for closing the dwelling-house under the enactments set out in the Third Schedule to this Act.

(2.) Any such proceedings may be taken for the express purpose of causing the dwelling-house to be closed whether the same be occupied or not, and upon such proceedings the court of summary jurisdiction may impose a penalty not exceeding twenty pounds, and make a closing order, and the forms for the purposes of this section may be those in the Fourth Schedule to this Act, or to the like effect, and the enactments respecting an appeal from a closing order shall apply to the imposition of such penalty as well as to a closing order.

(3.) Where a closing order has been made as respects any dwelling-house, the local authority shall serve notice of the order on every occupying tenant of the dwelling-house, and within such period as is specified in the notice, not being less than seven days after the service of the notice, the order shall be obeyed by him, and he and his family shall cease to inhabit the dwelling-house, and in default he shall be liable to a penalty not exceeding twenty shillings a day during his disobedience to the order. Provided that the local authority may make to every such tenant such reasonable allowance on account of his expenses in removing, as may have been authorised by the court making the closing order, which authority the court is hereby authorised to give, and the amount of the said allowance shall be a civil debt due from the owner of the dwelling-house to the local authority, and shall be recoverable summarily.

Order for demolition of house unfit for habitation.

**33.**—(1.) Where a closing order has been made in respect of any dwelling-house, and not been determined by a subsequent order, then the local authority, if of opinion that the dwelling-house has not been rendered fit for human habitation, and that the necessary steps are not being taken with all due diligence to render it so fit,

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and that the continuance of any building being or being part of the dwelling-house is dangerous or injurious to the health of the public or of the inhabitants of the neighbouring dwelling-houses, shall pass a resolution that it is expedient to order the demolition of the building.

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(2.) The local authority shall cause notice of such resolution to be served on the owner of the dwelling-house, and such notice shall specify the time and place appointed by the local authority for the further consideration of the resolution, not being less than one month after the service of the notice, and any owner of the dwelling-house shall be at liberty to attend and state his objections to the demolition.

(3.) If upon the consideration of the resolution and the objections the local authority decide that it is expedient so to do, then, unless an owner undertakes to execute forthwith the works necessary to render the dwelling-house fit for human habitation, the local authority shall order the demolition of the building.

(4.) If an owner undertakes as aforesaid to execute the said works, the local authority may order the execution of the works, within such reasonable time as is specified in the order, and if the works are not completed within that time or any extended time allowed by the local authority or a court of summary jurisdiction, the local authority shall order the demolition of the building.

34.—(1.) Where an order for the demolition of a building has been made, the owner thereof shall within three months after service of the order proceed to take down and remove the building, and if the owner fails therein the local authority shall proceed to take down and remove the building and shall sell the materials, and after deducting the expenses incident to such taking down and removal, pay over the balance of money (if any) to the owner.

Execution of  
an order for  
demolition,  
and provision  
as to site.

(2.) Where a building has been so taken down and removed, no house or other building or erection which will be dangerous or injurious to health shall be erected on all or any part of the site of such building; and if any house, building, or erection is erected contrary to the provisions of this section, the local authority may at any time order the owner thereof to abate the same, and in the event of non-compliance with the order, may at the expense of the owner abate or alter the same.

35.—(1.) Any person aggrieved by an order of the local authority under this part of this Act, may appeal against the same to a court of quarter sessions, and no work shall be done nor proceedings

Appeal  
against order  
of local  
authority.

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—  
42 & 43 Vict.  
c. 49.

taken under any order until after the appeal is determined or ceases to be prosecuted; and section thirty-one of the Summary Jurisdiction Act, 1879, respecting appeals from courts of summary jurisdiction to courts of quarter sessions shall apply with the necessary modifications as if the order of the local authority were an order of a court of summary jurisdiction.

(2.) Provided that—

(a.) Notice of appeal may be given within one month after notice of the order of the local authority has been served on such person;

(b.) The court shall, at the request of either party, state the facts specially for the determination of a superior court, in which case the proceedings may be removed into that court.

Grant of  
charges by  
way of  
annuity to  
owner on  
completion  
of works.

**36.**—(1.) Where any owner has completed in respect of any dwelling-house any works required to be executed by an order of a local authority under this part of this Act, he may apply to the local authority for a charging order, and shall produce to the local authority the certificate of their surveyor or engineer that the works have been executed to his satisfaction, and also the accounts of and vouchers for the costs, charges, and expenses of the works, and the local authority, when satisfied that the owner has duly executed such works and of the amount of such costs, charges, and expenses, and of the costs of obtaining the charging order which have been properly incurred, shall make an order accordingly, charging on the dwelling-house an annuity to repay the amount.

(2.) The annuity charged shall be a sum of six pounds for every one hundred pounds of the said amount and so in proportion for any less sum, and shall commence from the date of the order, and be payable for a term of thirty years to the owner named in such order, his executors, administrators, or assigns.

(3.) Every such annuity may be recovered by the person for the time being entitled to it by the same means and in the like manner in all respects as if it were a rentcharge granted by deed out of the dwelling-house by the owner thereof.

(4.) Charging orders made under this section shall be made according to the Form marked A. in the Fifth Schedule to this Act, or as near thereto as the circumstances of the case will admit.

Incidence of  
charge.

**37.**—(1.) Every charge created by a charging order under this part of this Act shall be a charge on the dwelling-house specified in the order, having priority over all existing and future estates, interests, and incumbrances, with the exception of quitrents and

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other charges incident to tenure, tithe commutation rentcharge, and any charge created under any Act authorising advances of public money; and where more charges than one are charged under this part of this Act on any dwelling-house such charges shall, as between themselves, take order according to their respective dates.

(2.) A charging order shall be conclusive evidence that all notices, acts, and proceedings by this part of this Act directed with reference to or consequent on the obtaining of such order, or the making of such charge, have been duly served, done, and taken, and that such charge has been duly created, and that it is a valid charge on the dwelling-house declared to be subject thereto.

(3.) Every such charging order, if it relates to a dwelling-house in the area to which the enactments relating to the registration of land in Middlesex apply or to a dwelling-house in Yorkshire, shall be registered in like manner as if the charge were made by deed by the absolute owner of the dwelling-house.

(4.) Copies of the charging order and of the certificate of the surveyor or engineer, and of the accounts as passed by the local authority, certified to be true copies by the clerk of the local authority, shall within six months after the date of the order be deposited with the clerk of the peace of the county in which the dwelling-house is situate, and be by him filed and recorded.

(5.) The benefit of any such charge may be from time to time transferred in like manner as a mortgage or rentcharge may be transferred. Any transfer may be in the Form marked B. in the Fifth Schedule to this Act, or in any other convenient form.

#### *Obstructive Buildings.*

38.—(1.) If a medical officer of health finds that any building within his district, although not in itself unfit for human habitation, is so situate that by reason of its proximity to or contact with any other buildings it causes one of the following effects, that is to say,—

Power to local authority to purchase houses for opening alleys, &c.

(a.) It stops ventilation, or otherwise makes or conduces to make such other buildings to be in a condition unfit for human habitation or dangerous or injurious to health; or

(b.) It prevents proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings;

in any such case, the medical officer of health shall represent to the local authority the particulars relating to such first-



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A.D. 1890. — mentioned building (in this Act referred to as “an obstructive building”) stating that in his opinion it is expedient that the obstructive building should be pulled down.

(2.) Any four or more inhabitant householders of a district may make to the local authority of the district a representation as respects any building to the like effect as that of the medical officer under this section.

(3.) The local authority on receiving any such representation as above in this section mentioned shall cause a report to be made to them respecting the circumstances of the building and the cost of pulling down the building and acquiring the land, and on receiving such report shall take into consideration the representation and report, and if they decide to proceed, shall cause a copy of both the representation and report to be given to the owner of the lands on which the obstructive building stands, with notice of the time and place appointed by the local authority for the consideration thereof; and such owner shall be at liberty to attend and state his objections, and after hearing such objections the local authority shall make an order either allowing the objection or directing that such obstructive building shall be pulled down, and such order shall be subject to appeal in like manner as an order of demolition of the local authority under the foregoing provisions of this part of this Act.

(4.) Where an order of the local authority for pulling down an obstructive building is made under this section and either no appeal is made against the order, or an appeal is made and either fails or is abandoned, the local authority shall be authorised to purchase the lands on which the obstructive building is erected in like manner as if they had been authorised by a special Act to purchase the same; and for the purpose of such purchase the provisions of the Lands Clauses Acts, with respect to the purchase and taking of lands otherwise than by agreement shall be deemed to be incorporated in this part of this Act (subject nevertheless to the provisions of this part of this Act), and for the purpose of the provisions of the Lands Clauses Acts this part of this Act shall be deemed to be the special Act, and the local authority to be the promoters of the undertaking, and such lands may be purchased at any time within one year after the date of the order, or if it was appealed against after the date of the confirmation.

(5.) The owner of the lands may within one month after notice to purchase the same is served upon him declare that he desires to retain the site of the obstructive building and undertake either to

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pull down or to permit the local authority to pull down the obstructive building, and in such case the owner shall retain the site and shall receive compensation from the local authority for the pulling down of the obstructive building. A.D. 1890.

(6.) The amount of such compensation, and also the amount of any compensation to be paid on the purchase of any lands under this section, shall in case of difference be settled by arbitration in manner provided in this part of this Act.

(7.) Where the local authority is empowered to purchase land compulsorily, it shall not be competent for the owner of a house or manufactory to insist on his entire holding being taken, where part only is proposed to be taken as obstructive, and where such part proposed to be taken can, in the opinion of the arbitrator to whom the question of disputed compensation is submitted, be severed from the remainder of the house or manufactory without material detriment thereto, provided that compensation may be awarded in respect of the severance of the part so proposed to be taken in addition to the value of that part.

(8.) Where in the opinion of the arbitrator the demolition of an obstructive building adds to the value of such other buildings as are in that behalf mentioned in this section, the arbitrator shall apportion so much of the compensation to be paid for the demolition of the obstructive building as may be equal to the increase in value of the other buildings amongst such other buildings respectively, and the amount apportioned to each such other building in respect of its increase in value by reason of the demolition of such obstructive building shall be deemed to be private improvement expenses incurred by the local authority in respect of such building, and such local authority may, for the purpose of defraying such expenses, make and levy improvement rates on the occupier of such premises accordingly; and the provisions of the Public Health Acts relating to private improvement expenses and to private improvement rates, shall so far as circumstances admit, apply accordingly in the same manner as if such provisions were incorporated in this Act.

(9.) If any dispute arises between the owner or occupier of any building (to which any amount may be apportioned in respect of private improvement expenses) and the arbitrator by whom such apportionment is made, such dispute shall be settled by two justices in manner provided by the Lands Clauses Acts, in cases where the compensation claimed in respect of lands does not exceed fifty pounds.

(10.) Where the owner retains the site or any part thereof, no house or other building or erection which will be dangerous or

A.D. 1890. — injurious to health, or which will be an obstructive building within the meaning of this section, shall be erected upon such site or any part thereof; and if any house, building, or erection is erected on the site contrary to the provisions of this section the local authority may at any time order the owner to abate or alter the said house, building, or erection; and in the event of non-compliance with such order may, at the expense of the owner thereof, abate or alter the same.

(11.) Where the lands are purchased by the local authority the local authority shall pull down the obstructive building, or such part thereof as may be obstructive within the meaning of this section, and keep as an open space the whole site, or such part thereof as may be required to be kept open for the purpose of remedying the nuisance or other evils caused by such obstructive building, and may, with the assent of the Local Government Board, and upon such terms as that Board think expedient, sell such portion of the site as is not required for the purpose of carrying this section into effect.

(12.) A local authority may, where they so think fit, dedicate any land acquired by them under the authority of this section as a highway or other public place.

*Scheme for Reconstruction.*

Scheme for  
area com-  
prising  
houses closed  
by closing  
order.

**39.—**(1.) In any of the following cases, that is to say—

(a) where an order for the demolition of a building has been made in pursuance of this part of this Act, and it appears to the local authority that it would be beneficial to the health of the inhabitants of the neighbouring dwelling-houses if the area of the dwelling-house of which such building forms part were used for all or any of the following purposes, that is to say, either—

- (i) dedicated as a highway or open space, or
- (ii) appropriated, sold, or let for the erection of dwellings for the working classes, or
- (iii) exchanged with other neighbouring land which is more suitable for the erection of such dwellings, and on exchange will be appropriated, sold, or let for such erection; or

(b) where it appears to the local authority that the closeness, narrowness, and bad arrangement or bad condition of any buildings, or the want of light, air, ventilation, or proper conveniences, or any other sanitary defect in any buildings is dangerous or prejudicial to the health of the inhabitants either of the said buildings or of the neighbouring buildings, and

that the demolition or the reconstruction and re-arrangement of the said buildings or of some of them is necessary to remedy the said evils, and that the area comprising those buildings and the yards, outhouses, and appurtenances thereof, and the site thereof, is too small to be dealt with as an unhealthy area under Part I. of this Act,

the local authority shall pass a resolution to the above effect and direct a scheme to be prepared for the improvement of the said area.

(2.) Notice of the scheme may at any time after the preparation thereof be served in manner provided in Part I. of this Act with respect to notices of lands proposed to be taken compulsorily under a scheme made in pursuance of that part of this Act, on every owner or reputed owner, lessee or reputed lessee, and occupier of any part of the area comprised in the scheme, so far as those persons can reasonably be ascertained.

(3.) The local authority shall, after service of such notice, petition the Local Government Board for an order sanctioning the scheme, and the Board may cause a local inquiry to be held, and, if satisfied on the report of such local inquiry that the carrying into effect of the scheme either absolutely, or subject to conditions or modifications would be beneficial to the health of the inhabitants of the said buildings or of the neighbouring dwelling-houses, may by order sanction the scheme with or without such conditions or modifications.

(4.) Upon such order being made, the local authority may purchase by agreement the area comprised in the scheme as so sanctioned, and if they agree for the purchase of the whole area, the order, save so far as it provides for the taking of land otherwise than by agreement, shall take effect without confirmation. If they do not so agree, the order shall be published by the local authority by inserting a notice thereof in the London Gazette, and by serving notice thereof on the owners of every part of the area.

(5.) Any owner may, within two months after such publication, petition the Local Government Board against the order, and if such petition is presented and is not withdrawn, the order shall be provisional unless it is confirmed by Act of Parliament.

(6.) If the Local Government Board are satisfied that the order has been duly published, and that two months after such publication have expired, and that either a petition has not been presented, or if presented has been withdrawn, they shall confirm the order, and thereupon such order shall come into operation, and have effect as if it were enacted by this Act.

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(7.) The order may incorporate the provisions of the Lands Clauses Acts, and for the purpose of those provisions this Act shall be deemed to be the special Act, and the local authority to be the promoters of the undertaking, and the area shall be acquired within three years after the date of the confirmation of the order: Provided that the amount of compensation shall, in case of difference, be settled by arbitration in manner provided by this part of this Act.

(8.) The provisions of Part I. of this Act relating to costs to be awarded in certain cases by a committee of either House of Parliament, to the duty of a local authority to carry a scheme when confirmed into execution, to the completion of a scheme on failure by a local authority, and to the extinction of rights of way and other easements, shall, with the necessary modifications, apply for the purpose of any scheme under this section in like manner as if it were a scheme under Part I. of this Act.

(9.) The Local Government Board, on being satisfied by the local authority that an improvement can be made in the details of any scheme under this section, may by order permit the local authority to modify any part of the scheme which it may appear inexpedient to carry into execution: Provided that—

(a) if the order sanctioning the scheme was confirmed by Parliament, a statement of such modification shall be laid by the Local Government Board before both Houses of Parliament as soon as practicable; and

(b) in any case, if the modification requires a larger expenditure than that sanctioned by the original scheme, or authorises the taking of any property otherwise than by agreement, or injuriously affects any property in a manner different from that proposed in the original scheme, without the consent of the owner or occupier of such property, notice of the order authorising the modification shall be published, and the order may be petitioned against and shall be subject to confirmation in like manner as if it were an order sanctioning an original scheme under this section.

Provisions  
for accom-  
modation of  
persons of  
the working  
classes.

40. The Local Government Board shall in any order sanctioning a scheme under this part of this Act require the insertion in the scheme of such provisions (if any) for the dwelling accommodation of persons of the working classes displaced by the scheme as seem to the Board required by the circumstances.



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*Settlement of Compensation.*

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41. In all cases in which the amount of any compensation is, in pursuance of this part of this Act, to be settled by arbitration, the following provisions shall have effect; (namely,

Provisions  
as to arbi-  
tration.

(1.) The amount of compensation shall be settled by an arbitrator to be appointed and removable by the Local Government Board.

(2.) In settling the amount of any compensation—

(a.) The estimate of the value of the dwelling-house shall be based on the fair market value as estimated at the time of the valuation being made of such dwelling-house, and of the several interests in such dwelling-house, due regard being had to the nature and then condition of the property and the probable duration of the buildings in their existing state, and to the state of repair thereof, and without any additional allowance in respect of compulsory purchase; and

(b.) The arbitrator shall have regard to and make an allowance in respect of any increased value which, in his opinion, will be given to other dwelling-houses of the same owner by the alteration or demolition by the local authority of any buildings.

(3.) Evidence shall be receivable by the arbitrator to prove—

(1st) that the rental of the dwelling-house was enhanced by reason of the same being used for illegal purposes or being so overcrowded as to be dangerous or injurious to the health of the inmates; or

(2ndly) that the dwelling-house is in a state of defective sanitation, or is not in reasonably good repair; or

(3rdly) that the dwelling-house is unfit, and not reasonably capable of being made fit, for human habitation;

and, if the arbitrator is satisfied by such evidence, then the compensation—

(a) shall in the first case so far as it is based on rental be based on the rental which would have been obtainable if the dwelling-house was occupied for legal purposes and only by the number of persons whom the dwelling-house was under all the circumstances of the case fitted to accommodate without such overcrowding as is dangerous or injurious to the health of the inmates; and

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(b) shall in the second case be the amount estimated as the value of the dwelling-house if it had been put into a sanitary condition, or into reasonably good repair, after deducting the estimated expense of putting it into such condition or repair; and

(c) shall in the third case be the value of the land, and of the materials of the buildings thereon.

(4.) On payment or tender to the person entitled to receive the same of the amount of compensation agreed or awarded to be paid in respect of the dwelling-house, or on payment thereof in manner prescribed by the Lands Clauses Acts, the owner shall, when required by the local authority, convey his interest in such dwelling-house to them, or as they may direct; and in default thereof, or if the owner fails to adduce a good title to such dwelling-house to the satisfaction of the local authority, it shall be lawful for the local authority, if they think fit, to execute a deed poll in such manner and with such consequences as are mentioned in the Lands Clauses Acts.

8 & 9 Vict.  
c. 18.

(5.) Sections thirty-two, thirty-three, thirty-five, thirty-six, and thirty-seven of the Lands Clauses Consolidation Act, 1845, shall apply, with any necessary modifications, to an arbitration and to an arbitrator appointed under this part of this Act.

(6.) The arbitrator may, by one award, settle the amount or amounts of compensation payable in respect of all or any of the dwelling-houses included in one or more order or orders made by the local authority; but he may, and, if the local authority request him so to do, shall, from time to time make an award respecting a portion only of the disputed cases brought before him.

(7.) In the event of the death, removal, resignation, or incapacity, refusal, or neglect to act of any arbitrator before he shall have made his award, the Local Government Board may appoint another arbitrator, to whom all documents relating to the matter of the arbitration which were in the possession of the former arbitrator shall be delivered.

(8.) The arbitrator may, where he thinks fit, on the request of any party by whom any claim has been made before him, certify the amount of the costs properly incurred by such party in relation to the arbitration, and the amount of the costs so certified shall be paid by the local authority.

- (9.) The arbitrator shall not give such certificate where the arbitrator has awarded the same or a less sum than has been offered by the local authority in respect of such claim before the appointment of the arbitrator, and need not give such certificate to any party where he considers that such party neglected, after due notice from the local authority, to deliver to that authority a statement in writing within such time, and containing such particulars respecting the compensation claimed, as would have enabled the local authority to make a proper offer of compensation to such party before the appointment of the arbitrator. A.D. 1890.
- (10.) If within seven days after demand the amount so certified be not paid to the party entitled to receive the same, such amount shall be recoverable as a debt from the local authority with interest at the rate of five per cent. per annum for any time during which the same remains unpaid after such seven days as aforesaid.
- (11.) The award of the arbitrator shall be final and binding on all parties.

*Expenses and Borrowing.*

42.—(1.) All expenses incurred by a local authority in the execution of this part of this Act shall be defrayed by them out of the local rate; and that authority, notwithstanding any limit contained in any Act of Parliament respecting a local rate, may levy such local rate, or any increase thereof, for the purposes of this part of this Act. Expenses  
of local  
authority.

(2.) Any expenses incurred by a rural sanitary authority under this part of this Act, other than the expenses incurred in and incidental to proceedings for obtaining a closing order, shall be charged as special expenses on the contributory place in respect of which they are incurred.

43.—(1.) A local authority may borrow for the purpose of raising sums required for purchase money or compensation payable under this part of this Act in like manner, and subject to the like conditions, as for the purpose of defraying the expenses of the execution by such authority of the Public Health Acts. Provision as  
to borrowing.

(2.) The Public Works Loan Commissioners may, if they think fit, lend to any local authority the sums borrowed in pursuance of this part of this Act.

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Annual  
account to  
be presented  
by the local  
authority.

44. Every local authority shall every year present to the Local Government Board, in such form as they may direct, an account of what has been done, and of all moneys received and paid by them during the previous year, with a view to carrying into effect the purposes of this part of this Act.

*Powers of County Councils.*Powers of  
county  
councils.

45.—(1.) Where the medical officer of health or any inhabitant householders make a representation or complaint, or give information to any vestry or district board in the administrative county of London or to the local board of Woolwich, or to any rural sanitary authority elsewhere (which vestry, board, or authority is in this Act referred to as the district authority) or to the medical officer of such authority either respecting any dwelling-house being in a state so dangerous or injurious to health as to be unfit for human habitation, or respecting an obstructive building, and also where a closing order has been made as respects any dwelling-house, the district authority shall forthwith forward to the county council of the county in which the dwelling-house or building is situate, a copy of such representation, complaint, information, or closing order, and shall from time to time report to the council such particulars as the council require respecting any proceedings taken by the authority with reference to such representation, complaint, information, or dwelling-house.

(2.) Where the county council—

(a) are of opinion that proceedings for a closing order as respects any dwelling-house ought to be instituted, or that an order ought to be made for the demolition of any buildings forming or forming part of any dwelling-house as to which a closing order has been made, or that an order ought to be made for pulling down an obstructive building specified in any representation under this part of this Act; and

(b) after reasonable notice, not being less than one month, of such opinion has been given in writing to the district authority, consider that such authority have failed to institute or properly prosecute proceedings, or to make the order for demolition, or to take steps for pulling down an obstructive building;

the council may pass a resolution to that effect, and thereupon the powers of the district authority as respects the said dwelling-house and building under this part of this Act (otherwise than in respect of a scheme), shall be vested in the county council, and if a

closing order or an order for demolition or for pulling down an obstructive building is made, and not disallowed on appeal, the expenses of the council incurred as respects the said dwelling-house and building, including any compensation paid, shall be a simple contract debt to the council from the district authority.

(3.) Any debt to the council under this section shall be defrayed by the district authority as part of their expenses in the execution of this part of this Act.

(4.) The county council and any of their officers shall, for the purposes of this section, have the same right of admission to any premises as any district authority or their officers have for the purpose of the execution of their duties under the enactments relating to public health, and a justice may make the like order for enforcing such admission.

*Special Provisions as to London.*

**46.** This part of this Act shall apply to the administrative county of London with the following modifications :—

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Application  
of part of  
Act to  
London.

(1.) The provisions of the Public Health Acts relating to private improvement expenses and to private improvement rates shall, for the purpose of this part of this Act, extend to the county and to the city of London, and in the construction of the said provisions, as respects the county of London, any local authority in that county, and as respects the city of London the Commissioners of Sewers, shall be deemed to be the urban authority.

(2.) The raising of sums required for purchase money or compensation payable under this part of this Act shall be a purpose for which the London County Council or the Commissioners of Sewers of the city of London, may borrow under Part One of this Act, and a purpose for which a vestry or district board may borrow under the Metropolis Management Act, 1855, and the provisions of Part One of this Act with respect to borrowing, and sections one hundred and eighty-three to one hundred and ninety-one of the Metropolis Management Act, 1855, shall apply and have effect accordingly.

18 & 19 Vict.  
c. 120.

(3.) The London County Council may, if they think fit, lend to a local authority in the administrative county of London the sums borrowed in pursuance of this part of this Act.

(4.) For the purpose of the assent required for the sale of any portion of the site of an obstructive building by a local authority,



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and of the account to be presented by a local authority of what has been done by them and of moneys received and paid by them during the previous year a Secretary of State shall be substituted for the Local Government Board.

- (5.) Where it appears to the county council, whether in the exercise of the powers of a vestry or district board or on the representation of a vestry or district board or otherwise, that a scheme under this part of this Act ought to be made, the council may take proceedings for preparing and obtaining the confirmation of a scheme, and the provisions of this Act respecting the scheme shall apply in like manner as if they were the vestry or district board, and all expenses of and incidental to the scheme and carrying the same into effect shall, save as herein-after mentioned, be borne by the county fund.
- (6.) Where the council consider that such expenses, or a contribution in respect of them, ought to be paid or made by a vestry or district board, they may apply to a Secretary of State, and the Secretary of State, if satisfied that, having regard to the size of the area, to the number, position, structure, sanitary condition, and neighbourhood of the buildings to be dealt with, the vestry or district board ought to pay, or make a contribution in respect of, the said expenses, the Secretary of State may order such payment or contribution to be made, and the amount thereof shall be a simple contract debt from the vestry or district board to the council.
- (7.) The county council may, if they think fit, pay or contribute to the payment of the expenses of carrying into effect a scheme under this part of this Act by a vestry or district board, and if a vestry or district board consider that the expenses of carrying into effect any scheme under this part of this Act, or a contribution in respect of those expenses, ought to be paid or made by the county council, and the county council decline or fail to agree to pay or make the same, the vestry or district board may apply to a Secretary of State, and if the Secretary of State is satisfied that, having regard to the size of the area, to the number, position, structure, sanitary condition, and neighbourhood of the buildings to be dealt with, the council ought to pay or make a contribution in respect of the said expenses, he may order such payment or contribution to be made, and the amount thereof shall be a simple contract debt from the council to the vestry or district board.

(8.) In the application of this section to Woolwich, the local board of health shall be deemed to be a district board, but the raising of any sums required for purchase money or compensation payable under this part of this Act shall be a purpose for which they may borrow under the Public Health Acts, and the Public Health Acts shall apply accordingly. A.D. 1890.

*Supplemental.*

47.—(1.) Where an owner of any dwelling-house is not the person in receipt of the rents and profits thereof, he may give notice of such ownership to the local authority, and thereupon the local authority shall give such owner notice of any proceedings taken by them in pursuance of this part of this Act in relation to such dwelling-house. Provision as to superior landlord.

(2.) If it appears to a court of summary jurisdiction on the application of any owner of the dwelling-house that default is being made in the execution of any works required to be executed on any dwelling-house in respect of which a closing order has been made, or in the demolition of any building or any dwelling-house or in claiming to retain any site, in pursuance of this part of this Act, and that the interests of the applicant will be prejudiced by such default, and that it is just to make the order, the court may make an order empowering the applicant forthwith to enter on the dwelling-house, and within the time fixed by the order to execute the said works, or to demolish the building or to claim to retain the site, as the case may be, and where it seems to the court just so to do, the court may make a like order in favour of any other owner.

(3.) A court of summary jurisdiction may in any case by order enlarge the time allowed under any order for the execution of any works or the demolition of a building, or the time within which a claim may be made to retain the site of a building.

(4.) Before an order is made under this section notice of the application shall be given to the local authority.

48. Nothing in this part of this Act shall prejudice or interfere with the right or remedies of any owner for the breach, non-observance, or non-performance of any covenant or contract entered into by a tenant or lessee in reference to any dwelling-house in respect of which an order is made by a local authority under this part of this Act; and if any owner is obliged to take possession of any dwelling-house in order to comply with any such order, the Remedies of owner for breach of covenant, &c. not to be prejudiced.

A.D. 1890. taking possession shall not affect his right to avail himself of any such breach, non-observance, or non-performance that may have occurred prior to his so taking possession.

Service of  
notices,

49.—(1.) Where the owner of any dwelling-house and his residence or place of business are known to the local authority, it shall be the duty of the clerk of the local authority, if the residence or place of business is within the district of such local authority, to serve any notice by this part of this Act required to be served on the owner, by giving it to him, or for him, to some inmate of his residence or place of business within the district; and in any other case it shall be the duty of the clerk of the local authority to serve the notice by post in a registered letter addressed to the owner at his residence or place of business.

(2.) Where the owner of the dwelling-house or his residence or place of business is not known to, and after diligent inquiry cannot be found by the local authority, then the clerk of the local authority may serve the notice by leaving it, addressed to the owner, with some occupier of the dwelling-house, or if there be not an occupier, then by causing it to be put up on some conspicuous part of the dwelling-house.

(3.) Notice served upon the agent of the owner shall be deemed notice to the owner.

Description  
of owner in  
proceedings.

50. Where in any proceedings under this part of this Act it is necessary to refer to the owner of any dwelling-house, it shall be sufficient to designate him as the "owner" thereof without name or further description.

Penalty for  
preventing  
execution of  
Act.

51.—(1.) If any person being the occupier of any dwelling-house prevents the owner thereof, or being the owner or occupier of any dwelling-house prevents the medical officer of health, or the officers, agents, servants, or workmen of such owner or officer from carrying into effect with respect to the dwelling-house any of the provisions of this part of this Act, after notice of the intention so to do has been given to such person, any court of summary jurisdiction on proof thereof may order such person to permit to be done on such premises all things requisite for carrying into effect, with respect to such dwelling-house, the provisions of this part of this Act.

(2.) If at the expiration of ten days after the service of such order such person fails to comply therewith, he shall for every day during which the failure continues be liable on summary conviction

to a fine not exceeding twenty pounds : Provided that if any such failure is by the occupier, the owner, unless assenting thereto, shall not be liable to such fine. A.D. 1890.

52. A representation from the medical officer of health of any county submitted to the county council and forwarded by that council to the local authority of any district in the county, not being a borough as defined by the Municipal Corporations Act, 1882, shall, for the purposes of this part of this Act, have the like effect as a representation from the medical officer of health of the district.

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Report  
to local  
authority  
by county  
medical  
officer.  
45 & 46 Vict.  
c. 50.

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PART III.

WORKING CLASS LODGING HOUSES.

*Adoption of Part III.*

Definition of  
purposes of  
Labouring  
Classes  
Lodging  
Houses Acts.

53.—(1.) The expression “lodging houses for the working classes” when used in this part of this Act shall include separate houses or cottages for the working classes, whether containing one or several tenements, and the purposes of this part of this Act shall include the provision of such houses and cottages.

(2.) The expression “cottage” in this part of this Act may include a garden of not more than half an acre, provided that the estimated annual value of such garden shall not exceed three pounds.

Adoption of  
this part of  
Act.

54. This part of this Act may be adopted in the several districts mentioned in the First Schedule to this Act by the local authorities in that behalf in that schedule mentioned: Provided that in the case of any rural sanitary district in England, the adoption shall be only after such certificate and such delay as herein-after mentioned.

Provisions  
in case of  
adoption  
by rural  
sanitary  
authority.

55.—(1.) A rural sanitary authority in any district desiring to adopt this part of this Act may apply to the county council of the county in which the area herein-after mentioned is wholly or as to the larger part thereof in extent situate for the certificate required for such adoption, and shall specify in such application the area in which they consider that accommodation is necessary for the housing of the working classes, and thereupon the county council shall direct a local inquiry to be held by a member of the council or any officer or person appointed by the council for the purpose, and if after such local inquiry the person holding the inquiry certifies that accommodation is necessary in such area for the housing of the working classes, and that there is no probability that such accommodation will be provided without the execution of this part of this Act, and that having regard to the liability which will be incurred by the rates, it is under all the circumstances prudent for the said authority to undertake the provision of the said accommodation under the powers of this part of this Act, the county council may if they think fit publish that certificate in one or more local



newspapers circulating in the district, and thereupon the sanitary authority may adopt this part of this Act: Provided that—

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- (a) unless the county council state in publishing such certificate that, by reason of the date of the next ordinary election of members of such authority or otherwise, an emergency renders it necessary to adopt this part of this Act immediately, such adoption in pursuance of the certificate shall not take place before the ordinary election of members of such authority which is held next after the date of the local inquiry; and
- (b) after the end of twelve months from the date of the certificate, this part of this Act shall not be adopted without a fresh certificate; and
- (c) no land shall be acquired, nor buildings erected under this part of this Act outside of the area mentioned in the certificate except after a fresh application, inquiry, and certificate.

(2.) Where the rural sanitary authority think it just that the burden of the expenses of the execution of this part of this Act should be borne by some contributory place or places only in their district, instead of by the whole of their district, the authority may in their application to the county council request permission to limit the burden of such expenses to such contributory place or places, and thereupon the justice of such limitation shall be inquired into at the local inquiry, and the county council, if satisfied after the local inquiry that the circumstances of the contributory place or places and of the rest of the district render such limitation just, may make an order to that effect, and thereupon the expenses of the execution of this part of this Act in the area mentioned in the order shall be borne by the contributory place or places named in the order instead of by the whole district. The provisions of this enactment with respect to the burden of the expenses shall apply upon every application for a fresh certificate.

(3.) Any expenses incurred by a county council in holding a local inquiry under this part of this Act shall be a simple contract debt to the council from the rural sanitary authority, and shall be defrayed as part of the expenses of such authority in the execution of this part of this Act.

*Execution of Part III. by Local Authority.*

56. Where this part of this Act has been adopted in any district, the local authority shall have power to carry it into execution (subject to the provisions of this part of this Act with respect to

Powers of  
local authority.

A.D. 1892. rural sanitary authorities), and for that purpose may exercise the same powers whether of contract or otherwise as in the execution of their duties in the case of the London county council under the Metropolis Management Act, 1855, and the Acts amending the same, or in the case of sanitary authorities under the Public Health Acts, or in the case of the Commissioners of Sewers under the Acts conferring powers on such Commissioners.

18 & 19 Vict.  
c. 120.  
38 & 39 Vict.  
c. 55.

Acquisition  
of land.

38 & 39 Vict.  
c. 55.

**57.—**(1.) Land for the purposes of this part of this Act may be acquired by a local authority in like manner as if those purposes were purposes of the Public Health Act, 1875, and sections one hundred and seventy-five to one hundred and seventy-eight, both inclusive, of that Act (relating to the purchase of lands), shall apply accordingly, and shall for the purposes of this part of this Act extend to London in like manner as if the Commissioners of Sewers and London County Council respectively were a local authority in the said sections mentioned, and a Secretary of State were substituted for the Local Government Board.

(2.) The local authority may, if they think fit, contract for the purchase or lease of any lodging houses for the working classes already, or hereafter to be built and provided.

(3.) The local authority may, if not a rural sanitary authority with the consent of the Local Government Board, and if a rural sanitary authority with the consent of the county council of the county in which the land is situate, appropriate, for the purposes of this part of this Act, any lodging houses so purchased or taken on lease, and any other land which may be for the time being vested in them, or at their disposal.

Local  
authority  
may pur-  
chase exist-  
ing lodging  
houses.

**58.** The trustees of any lodging houses for the working classes for the time being provided in any district by private subscriptions or otherwise, may, with the consent of a majority of the committee or other persons by whom they were appointed trustees, sell or lease the lodging houses to the local authority of the district, or make over to them the management thereof.

Erection of  
lodging  
houses.

**59.** The local authority may, on any land acquired or appropriated by them, erect any buildings suitable for lodging houses for the working classes, and convert any buildings into lodging houses for the working classes, and may alter, enlarge, repair, and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite furniture, fittings, and conveniences.

Sale and  
exchange  
of lands.

**60.** A local authority may, if not a rural sanitary authority with the consent of the Local Government Board, and if a rural

sanitary authority with the consent of the county council of the county in which the land is situate, sell any land vested in them for the purposes of this part of this Act, and apply the proceeds in or towards the purchase of other land better adapted for those purposes, and may in like manner and with the like consent exchange any land so vested in them for land better adapted to the purposes of this part of this Act, either with or without paying or receiving any money for equality of exchange.

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*Management of Lodging Houses.*

61.—(1.) The general management, regulation, and control of the lodging houses established or acquired by a local authority under this part of this Act shall be vested in and exercised by the local authority.

Management to be vested in local authority.

(2.) The local authority may make such reasonable charges for the tenancy or occupation of the lodging houses provided under this part of this Act as they may determine by regulations.

62.—(1.) The local authority may make byelaws for the management, use, and regulation of the lodging houses, and it shall be obligatory on the local authority, except in the case of a lodging house which is occupied as a separate dwelling, by such byelaws to make sufficient provision for the several purposes expressed in the Sixth Schedule to this Act.

Byelaws for regulation of lodging houses.

(2.) A printed copy or sufficient abstract of the byelaws relating to the management, use, and regulation of the lodging houses shall be put up and at all times kept in every room therein.

63. Any person who, or whose wife or husband, at any time while such person is a tenant or occupier of any such lodging house, or any part of such a lodging house, receives any relief under the Acts relating to the relief of the poor other than relief granted on account only of accident or temporary illness, shall thereupon be disqualified for continuing to be such a tenant or occupier.

Disqualification of tenants of lodging houses on receiving parochial relief.

64. Whenever any lodging houses established for seven years or upwards under the authority of this part of this Act are determined by the local authority to be unnecessary or too expensive to be kept up, the local authority may, if not a rural sanitary authority with the consent of the Local Government Board, and if a rural sanitary authority with the consent of the county council of the county in which the lodging-houses are situate, sell the same for the best price that can reasonably be obtained for the same, and the local authority shall convey the same accordingly.

When lodging houses are considered too expensive they may be sold.

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*Expenses and Borrowing of Local Authorities.*Payment of  
expenses.

**65.** All expenses incurred by a local authority in the execution of this part of this Act shall be defrayed—

- (i.) in the case of an authority in the administrative county of London, out of the Dwelling House Improvement Fund under Part I. of this Act ;
- (ii.) in the case of an urban sanitary authority, as part of the general expenses of their execution of the Public Health Acts ; and
- (iii.) in the case of a rural sanitary authority, as special expenses incurred in the execution of the Public Health Acts, and, save where the burden of such expenses is by order of the county council who published the certificate to be borne by one contributory place only, shall be deemed to be incurred for the common benefit of all the contributory places liable to bear such expenses.

Provided that if on the application of the rural sanitary authority it is so declared at the time of the publication of the certificate by the county council who published the same, then the said expenses of the rural sanitary authority shall be defrayed as general expenses of the said authority in the execution of the Public Health Acts, and if such expenses are not to be borne by the whole of the district, shall be paid out of a common fund to be raised in manner provided by the Public Health Act, 1875, but as if the contributory places which are to bear those expenses constituted the whole of the district.

Borrowing  
for purposes  
of Part III.

**66.** The London County Council and the Commissioners of Sewers may borrow for the purpose of the execution of this part of this Act, in like manner and subject to the like conditions as they may borrow for the purposes of Part I. of this Act, and a sanitary authority may borrow for the purpose of the execution of this part of this Act in like manner and subject to the like conditions as for the purpose of defraying the above-mentioned general or special expenses.

*Loans to and Powers of Companies, Societies, and Individuals.*Loans by  
Public

**67.**—(1.) In addition to the powers conferred upon them by any other enactment, the Public Works Loan Commissioners may, out

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of the funds at their disposal, advance on loan to any such body or proprietor as herein-after mentioned ; namely,—

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Works Com-  
missioners.

- (a.) any railway company or dock or harbour company, or any other company, society, or association established for the purpose of constructing or improving, or of facilitating or encouraging the construction or improvement of dwellings for the working classes, or for trading or manufacturing purposes (in the course of whose business, or in the discharge of whose duties persons of the working classes are employed) ;
- (b.) any private person entitled to any land for an estate in fee simple, or for any term of years absolute, whereof not less than fifty years shall for the time being remain unexpired ;
- and any such body or proprietor may borrow from the Public Works Loan Commissioners such money as may be required for the purpose of constructing or improving, or of facilitating or encouraging the construction or improvement of dwellings for the working classes.

(2.) Such loans shall be made in manner provided by the Public Works Loans Act, 1875, subject to the following provisions :—

38 & 39 Vict.  
c. 89.

(a.) Any such advance may be made whether the body or proprietor receiving the same has or has not power to borrow on mortgage or otherwise, independently of this Act ; but nothing in this Act shall repeal or alter any regulation, statutory or otherwise, whereby any company may be restricted from borrowing until a definite portion of capital is subscribed for, taken, or paid up.

(b.) The period for the repayment of the sums advanced shall not exceed forty years.

(c.) No money shall be advanced on mortgage of any land or dwellings solely, unless the estate therein proposed to be mortgaged shall be either an estate in fee simple, or an estate for a term of years absolute, whereof not less than fifty years shall be unexpired at the date of the advance.

(d.) The money advanced on the security of a mortgage of any land or dwellings solely shall not exceed one moiety of the value, to be ascertained to the satisfaction of the Public Works Loan Commissioners, of the estate or interest in such land or dwellings proposed to be mortgaged ; but advances may be made by instalments from time to time as the building of the dwellings on the land mortgaged progresses, so that the total



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—

advance do not at any time exceed the amount aforesaid ; and a mortgage may be accordingly made to secure such advances so to be made from time to time.

(3.) For the purpose of constructing or improving or facilitating or encouraging the construction or improvement of dwellings for the working classes, every such body as aforesaid is hereby authorised to purchase, take, and hold land, and if not already a body corporate shall, for the purpose of holding such land under this part of this Act, and of suing and being sued in respect thereof, be nevertheless deemed a body corporate with perpetual succession.

Powers to  
companies.

**68.** Any railway company, or dock or harbour company or any other company, society, or association, established for trading or manufacturing purposes in the course of whose business or in the discharge of whose duties persons of the working class are employed, may and are hereby (notwithstanding any Act of Parliament, or charter, or any rule of law or equity to the contrary) authorised at any time to erect, either on their own land or on any other land (which they are hereby authorised to purchase and hold for the purpose, and to pay for out of any funds at their disposal), dwellings for the accommodation of all or any of the persons of the working class employed by them.

Power to  
water and  
gas com-  
panies to  
supply water  
and gas to  
lodging  
houses.

**69.** Any commissioners of waterworks, trustees of waterworks, water companies, gas companies, and other corporations, bodies, and persons having the management of any waterworks, reservoirs, wells, springs, or streams of water, and gasworks respectively, may, in their discretion, grant and furnish supplies of water or gas for lodging-houses provided under this part of this Act, either without charge or on such other favourable terms as they think fit.

Inspection  
of lodging  
houses.

**70.** A lodging house established in any district under this part of this Act, shall be at all times open to the inspection of the local authority of that district or of any officer from time to time authorised by such authority.

Application  
of penalties.

**71.** Any fine for the breach of any byelaw under this part of this Act shall be paid to the credit of the funds out of which the expenses of this part of this Act are defrayed.

PART IV.

A.D. 1890.

SUPPLEMENTAL.

72. Where an official representation made to the London county council in pursuance of Part I. of this Act relates to not more than ten houses, the London county council shall not take any proceedings on such representation, but shall direct the medical officer of health making the same to represent the case to the local authority under Part II. of this Act, and it shall be the duty of the local authority to deal with such case in manner provided by that part of this Act.

Limit of area to be dealt with on official representation.

73.—(1.) In either of the following cases :

(a.) Where a medical officer of health has represented to any local authority in the county of London under Part II. of this Act that any dwelling-houses are in a condition so dangerous or injurious to health, as to be unfit for human habitation, or that the pulling down of any obstructive buildings would be expedient, and such authority resolve that the case of such dwelling-houses or buildings is of such general importance to the county of London that it should be dealt with by a scheme under Part I. of this Act; or

Provisions as to parts of Act under which reports are to be dealt with in county of London.

(b.) Where an official representation as mentioned in Part I. of this Act has been made to the London county council in relation to any houses, courts, or alleys within a certain area, and that council resolve that the case of such houses, courts, or alleys is not of general importance to the county of London and should be dealt with under Part II. of this Act;

such local authority or council may submit such resolution to a Secretary of State, and thereupon the Secretary of State may appoint an arbitrator, and direct him to hold a local inquiry, and such arbitrator shall hold such inquiry, and report to the Secretary of State as to whether, having regard to the size of the area, to the number of houses to be dealt with, to the position, structure, and sanitary condition of such houses, and of the neighbourhood thereof, and to the provisions of Part I. of this Act, the case is either wholly or partially of any and what importance to the county of London, with power to such arbitrator to report that in the event of the case being dealt with under Part II. of this Act, the London county council ought to make a contribution in respect of the expense of dealing with the case.

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(2.) The Secretary of State, after considering the report of the arbitrator, may, according as to him seems just, decide that the case shall be dealt with either under Part II. of this Act, or under Part I. of this Act, and the medical officer of health or other proper officer shall forthwith make the representation necessary for proceedings in accordance with such decision.

Amend-  
ment of  
45 & 46 Vict.  
c. 38.  
as regards  
erection of  
buildings  
for working  
classes.

74.—(1.) The Settled Land Act, 1882, shall be amended as follows :—

(a.) Any sale, exchange, or lease of land in pursuance of the said Act, when made for the purpose of the erection on such land of dwellings for the working classes, may be made at such price, or for such consideration, or for such rent, as having regard to the said purpose, and to all the circumstances of the case, is the best that can be reasonably obtained, notwithstanding that a higher price, consideration, or rent might have been obtained if the land were sold, exchanged, or leased for another purpose.

(b.) The improvements on which capital money may be expended, enumerated in section twenty-five of the said Act, and referred to in section thirty of the said Act, shall, in addition to cottages for labourers, farm servants, and artizans whether employed on the settled land or not, include any dwellings available for the working classes, the building of which in the opinion of the Court is not injurious to the estate.

(2.) Any body corporate holding land may sell, exchange, or lease the land for the purpose of the erection of dwellings for the working classes at such price, or for such consideration, or for such rent as having regard to the said purpose and to all the circumstances of the case is the best that can reasonably be obtained, notwithstanding that a higher price, consideration, or rent might have been obtained if the land were sold, exchanged, or leased for another purpose.

Condition to  
be implied  
on letting  
houses for  
the working  
classes.

75. In any contract made after the fourteenth day of August one thousand eight hundred and eighty-five for letting for habitation by persons of the working classes a house or part of a house, there shall be implied a condition that the house is at the commencement of the holding in all respects reasonably fit for human habitation. In this section the expression "letting for habitation by persons of the working classes" means the letting for habitation of a house or part of a house at a rent not exceeding in England the sum named as the limit for the composition of rates

by section three of the Poor Rate Assessment and Collection Act, 1869, and in Scotland or Ireland four pounds.

A.D 1890.

32 & 33 Vict.  
c. 41.

**76.—(1.)** The London county council may, with the consent of a Secretary of State, at any time appoint one or more legally qualified practitioner or practitioners, with such remuneration as they think fit, for the purpose of carrying into effect any part of this Act.

Medical  
officer of  
health in  
county of  
London.

(2.) Any medical officer of health appointed by the London county council, and any officer appointed under this section by the London county council, shall be deemed to be a medical officer of health of a local authority within the meaning of this Act.

**77.** Any person authorised by the local authority may at all reasonable times of the day, on giving twenty-four hours notice in writing to the occupier of his intention so to do, enter any dwelling-house, premises, or building which the local authority are authorised to purchase compulsorily under Part I. or Part II. of this Act for the purpose of surveying and valuing such dwelling-house, premises, or building.

Power to  
local  
authority to  
enter and  
value  
premises.

**78.** Where a building or any part of a building purchased by the local authority in pursuance of a scheme under Part I. or Part II. of this Act is not closed by a closing order, and is occupied by any tenant whose contract of tenancy is for less than a year, the local authority, if they require him to give up possession of such building or part for the purpose of pulling down the building, may make to the said tenant a reasonable allowance on account of his expenses in removing.

Compensation to  
tenants for  
expense of  
removal.

**79.—(1.)** Anything which under Part I. or Part II. of this Act is authorised or required to be done by or to a medical officer of health may be done by or to any person authorised to act temporarily as such medical officer of health.

Duties of  
medical  
officer of  
health.

(2.) Every representation made by a medical officer of health in pursuance of this Act shall be in writing.

**80.—(1.)** Separate accounts shall be kept by the local authority and their officers of their receipts and expenditure under each part of this Act.

Accounts  
and audit.

(2.) Such accounts shall be audited in the like manner and with the like power to the officer auditing the same, and with the like incidents and consequences, as the accounts of the local authority are for the time being required to be audited by law.

A.D. 1890.

Power of  
local authority to  
appoint  
committees.

**81.** For the purposes of this Act, a local authority acting under this Act may appoint out of their own number so many persons as they may think fit, for any purposes of this Act which in the opinion of such authority would be better regulated and managed by means of a committee: Provided that a committee so appointed shall in no case be authorised to borrow any money, to make any rate, or to enter into any contract, and shall be subject to any regulations and restrictions which may be imposed by the authority that formed it.

Application  
of purchase  
money.

**82.** Where a local authority sell any land acquired by them for any of the purposes of this Act, the proceeds of the sale shall be applied for any purpose, including repayment of borrowed money, for which capital money may be applied, and which is approved by the Local Government Board.

Rates of  
loans by  
Public  
Works Loan  
Commissioners.  
38 & 39 Vict.  
c. 89.

**83.** Any loan advanced by the Public Works Loan Commissioners in pursuance of this Act or for labourers dwellings in pursuance of the Public Works Loans Act, 1875, or any Act amending the same, shall bear such rate of interest not less than three pounds two shillings and sixpence per cent. per annum, as the Treasury may from time to time authorise as being in their opinion sufficient to enable such loans to be made without loss to the Exchequer.

Application  
of certain  
provisions as  
to byelaws.  
18 & 19 Vict.  
c. 120.

**84.** With respect to byelaws authorised by this Act to be made—  
(a) sections two hundred and two and two hundred and three of the Metropolis Management Act, 1855, where such byelaws are made by the London county council, or any nuisance authority in the administrative county of London; and

38 & 39 Vict.  
c. 55.

(b) the provisions of the Public Health Act, 1875, relating to byelaws, where such byelaws are made by a sanitary authority, shall apply to such byelaws, and a fine or penalty under any such byelaw may be recovered on summary conviction.

Local  
inquiries.

**85.—(1.)** For the purposes of the execution of their duties under this Act the Local Government Board may cause such local inquiries to be held as the Board see fit, and the costs incurred in relation to any such local inquiry, and to any local inquiry which any other confirming authority holds or causes to be held, including the salary or remuneration of any inspector or officer of or person employed by the Board or confirming authority engaged in the inquiry not exceeding three guineas a day, shall be paid by the local authorities and persons concerned in the inquiry, or by such of them and in such proportions as the Board or confirming authority may



direct, and that Board or authority may certify the amount of the costs incurred, and any sum so certified and directed by that Board or authority to be paid by any local authority or person shall be a debt to the Crown from such local authority or person. A.D. 1890.

(2.) Sections two hundred and ninety-three to two hundred and ninety-six and section two hundred and ninety-eight of the Public Health Act, 1875, shall apply for the purpose of any order to be made by the Local Government Board or any local inquiry which that Board cause to be held in pursuance of any part of this Act.

**86.**—(1.) An order in writing made by a local authority under this Act shall be under their seal and authenticated by the signature of their clerk or his lawful deputy. Orders, notices, &c.

(2.) A notice, demand, or other written document proceeding from the local authority under this Act shall be signed by their clerk or his lawful deputy.

**87.** Any notice, summons, writ or other proceeding at law or otherwise required to be served on a local authority in relation to carrying into effect the objects or purposes of this Act, or any of them, may be served upon that authority by delivering the same to their clerk, or leaving the same at his office with some person employed there. Service of notice, &c. on the local authority.

**88.**—(1.) A person shall not vote as member of a local authority or county council or any committee thereof upon any resolution or question which is proposed or arises in pursuance of Part I. or Part II. of this Act, if it relates to any dwelling-house, building, or land in which he is beneficially interested. Prohibition on persons interested voting as members of local authority.

(2.) If any person votes in contravention of this section he shall, on summary conviction, be liable for each offence to a fine not exceeding fifty pounds; but the fact of his giving the vote shall not invalidate any resolution or proceeding of the local authority or county council.

**89.** Where any person obstructs the medical officer of health, or any officer of the local authority, or of the confirming authority mentioned in Part I. of this Act, in the performance of anything which such officer or authority is by this Act required or authorised to do, such person shall, on summary conviction, be liable to a fine not exceeding twenty pounds. Penalty for obstructing the execution of Act.

**90.** Offences under this Act punishable on summary conviction may be prosecuted and fines recovered in manner provided by the Summary Jurisdiction Acts. Punishment of offences and recovery of fines.

A D. 1890.

Powers of  
Act to be  
cumulative.

**91.** All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not passed, and nothing in this Act shall exempt any person from any penalty to which he would have been subject if this Act had not passed.

Provided that a local authority shall not, by reason of any local Act relating to a place within its jurisdiction, be exempted from the performance of any duty or obligation to which such authority are subject under any part of this Act.

Definition of  
local authority,  
districts, local  
rate.

**92.** In this Act, unless the context otherwise requires, "district," "local authority," and "local rate," mean respectively the areas, bodies of persons, and rates specified in the table contained in the First Schedule to this Act, but in Part III. of this Act and in reference to any power given by that part, or any act to be done in pursuance thereof shall mean such area, bodies of persons, and rate only in cases where that part of this Act is adopted or being adopted.

Definitions :

"Land."

"Sanitary  
district.""Sanitary  
authority.""Urban and  
rural sanitary  
authority";"contributory  
place.""Superior  
court.""County of  
London."

**93.** In this Act, unless the context otherwise requires—

The expression "land" includes any right over land :

The expression "sanitary district" means the district of a sanitary authority :

The expression "sanitary authority" means an urban sanitary authority or a rural sanitary authority :

The expressions "urban sanitary authority" and "rural sanitary authority" and "contributory place" have respectively the same meanings as in the Public Health Act, 1875 :

The expression "superior court" means the Supreme Court :

The expression "county of London," except where specified to be the administrative county of London, means the county of London exclusive of the city of London.

PART V.

A.D. 1890.

APPLICATION OF ACT TO SCOTLAND.

In the application of this Act to Scotland the following provisions shall have effect,—

94.—(1.) A reference to any sections of the Lands Clauses Consolidation Act, 1845, shall be construed to mean a reference to the corresponding sections of the Lands Clauses Consolidation (Scotland) Act, 1845. Modification as respects reference to Scotch Acts.

(2.) Where a dispute under this Act is to be settled by two justices in manner provided by the Lands Clauses Acts in cases where the compensation claimed in respect of lands does not exceed fifty pounds such dispute shall be settled in Scotland by the sheriff in manner provided by the Lands Clauses Consolidation (Scotland) Act, 1845, in similar cases.

8 & 9 Vict.  
c. 19.

(3.) The Public Health (Scotland) Act, 1867, and the Acts amending the same shall be substituted for the Public Health Acts and in particular— 30 & 31 Vict.  
c. 101.

(a.) With respect to the purchase of land a reference to section ninety of the said Public Health (Scotland) Act, 1867, shall be substituted for a reference to sections one hundred and seventy-five to one hundred and seventy-eight of the Public Health Act, 1875 :

(b.) Local inquiries by the Board of Supervision shall be held under sections ten to thirteen of the Public Health (Scotland) Act, 1867, and local inquiries by the Secretary for Scotland under the Local Government (Scotland) Act, 1889, and the provisions of sub-section one of section eighty-five of this Act shall apply to such inquiries by the Board of Supervision :

52 & 53 Vict.  
c. 50.

(c.) The provisions as to private improvement expenses and the defraying thereof shall not apply to Scotland ; and the local authority shall be entitled to recover in a summary manner the amount apportioned to any building in respect of its increase in value by reason of the demolition of any obstructive building, from the owner or occupier thereof, according to their respective interests in such increase of value.

(4.) The Acts relating to nuisances mean, as respects any place in Scotland, the Public Health (Scotland) Act, 1867, and any Act amending the same, and the Local Government (Scotland) Act, 1889, and any local Act which contains any provisions with respect to nuisances in that place.

A.D. 1890.

Modifica-  
tions as  
regards legal  
proceedings  
in Scotland.

95.—(1.) A charging order under Part II. of this Act shall be recorded in the appropriate register of sasines.

(2.) Superior court means in Scotland the Court of Session, and where any order, certificate, or other act under this Act may be made a rule of a superior court, the Court of Session in Scotland may, on the application of the Lord Advocate, on behalf of the confirming authority, or on the application of any person interested, interpose their authority to any such order, certificate, or act, and grant decree conform thereto upon which execution and diligence may proceed in common form.

(3.) An appeal from an order of a local authority under Part II. of this Act shall, in Scotland, be to the sheriff, and the same procedure shall apply as on an appeal from the sheriff substitute to the sheriff, but with the same provisos as apply to the appeal in England from the order of the local authority to a court of quarter sessions.

(4.) Offences under this Act punishable on summary conviction may be prosecuted and fines recovered before the sheriff or two justices or in burghs before the magistrates in manner provided by the Summary Jurisdiction (Scotland) Acts, and all necessary jurisdiction is hereby conferred on such sheriff or two justices, or any two magistrates of a burgh.

Miscella-  
neous modi-  
fications.

96.—(1.) This Act shall be read and construed as if for the expression “the Local Government Board,” wherever it occurs therein, the expression “the Secretary for Scotland” were substituted, except that the provisions of this Act with respect to the adoption and execution of Part III. of this Act by a rural sanitary authority shall apply to the adoption and execution thereof by a local authority, being a district committee, and the Board of Supervision for the Relief of the Poor in Scotland shall be substituted in the said Part for the county council.

(2.) The expenses incurred by a local authority under this Act may be defrayed in the same manner as general expenses under section ninety-four, sub-section two, of the Public Health (Scotland) Act, 1867, and money may be borrowed for the purposes of this Act in the same manner and subject to the same conditions as nearly as may be as money may be borrowed for the erection of hospitals under the Public Health (Scotland) Amendment Act, 1871; provided that the assessment therefor shall be levied only within the parish or parishes in respect of which such expenses are incurred.

(3.) The Edinburgh Gazette shall be substituted for the London Gazette. A.D. 1890.

(4.) The expression "medical officer of health" means medical officer.

(5.) The expression "person entitled to the first estate of freehold in" means owner of.

(6.) The expression "court of quarter sessions" means the sheriff.

(7.) The expression "urban sanitary authority" means the local authority under the Public Health (Scotland) Act, 1867, being a town council or police commissioners or trustees exercising the functions of police commissioners.

(8.) The expression "rural sanitary authority" means a district committee, or where a county has not been divided into districts under the Local Government (Scotland) Act, 1889, the county council.

(9.) The expression "contributory place" means a parish.

(10.) The expression "court of summary jurisdiction" means the sheriff or any two justices of the peace sitting in open court, or any magistrate or magistrates within the meaning of the Summary Jurisdiction Acts.

(11.) The expression "executors, administrators, or assigns" means heirs, executors, or assignees.

(12.) The expression "mortgage" means bond and disposition in security.

(13.) The reference to quitrents and other charges incident to tenure, and to tithe commutation rentcharge shall be read as applicable to feu duties, casualties, and teinds.

(14.) With respect to byelaws authorised by this Act to be made, the provisions of the Public Health (Scotland) Act, 1867, relating to rules and regulations for common lodging houses shall apply to such byelaws with the necessary variations, and a fine or penalty under any such byelaw may be recovered on summary conviction.

(15.) An order in writing made by a local authority under this Act, where such local authority have not a seal, shall be authenticated by the signature of any two or more members of the local authority and of their clerk or his lawful deputy.

(16.) The provisions of Part II. of this Act with respect to the powers of county councils shall not apply to Scotland.



A.D. 1890.

Provision as  
to superior  
of lands for  
purpose of  
Part II.

97.—(1.) The superior of any lands and heritages may give notice of his right of superiority to the local authority, and thereupon the local authority shall give such superior notice of any proceedings taken by them in pursuance of Part II. of this Act in relation to such lands and heritages;

(2.) If it appears to the sheriff, on the application of such superior, that default is being made in the execution of any works required to be executed on such lands and heritages in respect of which a closing order has been made, or in the demolition of a building on such lands and heritages, or in claiming to retain any site, in pursuance of Part II. of this Act, and that the interests of the applicant will be prejudiced by such default, and that it is just to make the order, the sheriff may make an order empowering the applicant forthwith to enter on the lands and heritages, and within the time fixed by the order to execute the said works, or to demolish the building, or to claim to retain the site, as the case may be:

(3.) The sheriff may in any case, by order, enlarge the time allowed under any order for the execution of any works or the demolition of a building, or the time within which a claim may be made to retain the site of a building;

(4.) Before an order is made under this section notice of the application shall be given to the local authority.

PART VI.

A.D. 1890.

APPLICATION OF ACT TO IRELAND.

98. In the application of this Act to Ireland the following provisions shall have effect—

Modification  
in applica-  
tion of Act  
to Ireland.  
41 & 42 Viet.  
c. 52.

(1.) The Public Health (Ireland) Act, 1878, shall be substituted for the Public Health Act, 1875, and in particular the references in this Act to sections one hundred and seventy-five, one hundred and seventy-six and one hundred and seventy-seven of the Public Health Act, 1875, shall be respectively taken to be references to sections two hundred and two, two hundred and three, and two hundred and four, respectively, of the Public Health (Ireland) Act, 1878, and the reference to sections two hundred and ninety-three to two hundred and ninety-six, two hundred and ninety-eight of the Public Health Act, 1875, shall be taken to be a reference to sections two hundred and nine, two hundred and ten, two hundred and twelve, two hundred and thirteen, and two hundred and fifteen of the Public Health (Ireland) Act, 1878.

(2.) The Acts relating to nuisances mean as respects any place in Ireland the Public Health (Ireland) Act, 1878, and any local Act which contains any provisions with respect to nuisances in that place.

(3.) The expression "quarter sessions" means, in towns and boroughs where there are separate quarter sessions, the quarter sessions of the said towns and boroughs, and in towns and boroughs where there are no separate quarter sessions, the quarter sessions of the division of the counties in which such towns or boroughs are situate.

(4.) The provisions of section twenty-four of the Petty Sessions (Ireland) Act, 1851, respecting appeals from courts of summary jurisdiction authorised by that section, and any enactment amending the same, shall in Ireland apply in the case of appeals from an order of a local authority to a court of quarter sessions under Part II. of this Act, as if such order was an order of a court of summary jurisdiction, but with the same provisos as apply under this Act in the case of such an appeal in England.

14 & 15 Viet.  
c. 93.

(5.) The Local Government Board for Ireland shall be substituted for the Local Government Board.

A.D. 1890.

- (6.) The Commissioners of Public Works in Ireland acting with the consent of the Treasury shall be substituted for the Public Works Loan Commissioners.
- (7.) The medical officer of health in Ireland shall include the medical superintendent officer of health appointed under the Public Health (Ireland) Act, 1878.
- (8.) The Dublin Gazette shall be substituted for the London Gazette.
- (9.) Every charging order under Part II. of this Act shall be registered in the office for registering deeds, conveyances, and wills in Ireland.
- (10.) An order in writing made by a local authority under this Act, where such local authority have not a seal, shall be authenticated by the signature of any two or more members of the local authority and of their clerk or his lawful deputy.
- (11.) The accounts of the local authority under this Act shall be audited in the like manner and with the like power to the officer auditing the same, and with the like incidents and consequences, as the accounts of that authority as a sanitary authority are for the time being required to be audited by law.
- (12.) The consent of the Treasury shall in Ireland be substituted for the consent of the Local Government Board required under Part III. of this Act to the appropriation of land for lodging houses, to the sale and exchange of land, and to the sale of lodging houses when considered too expensive.

Adoption of  
Part III. of  
Act by  
town com-  
missioners of  
small towns  
in Ireland.

**99.**—(1.) In a town not being an urban sanitary district Part III. of this Act may be adopted by any town commissioners for the time being existing for the paving, lighting, or cleansing of that town under any Public Act of Parliament or any charter, and the Act when adopted shall be carried into execution by such town commissioners, and for that purpose they shall be deemed to be a local authority within the meaning of the said part.

(2.) Such commissioners shall give not less than twenty-eight nor more than forty-two days public notice of their intention to take into consideration the propriety of adopting the said part of this Act, and of the time and place for holding the meeting when they will take it into consideration.

(3.) If at that meeting there is presented to the commissioners a memorial in writing signed by not less one one-tenth in value of the persons liable to be rated to rates made by such commissioners requesting them to postpone the said consideration for a period of one year, then the consideration shall be so postponed,

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and shall be entered upon as soon after the expiration of the year A.D. 1890.  
as the commissioners think fit.

(4.) If the said part of this Act is adopted, the local rate shall be any rate which the commissioners have power to impose for the purpose of paving, lighting, cleansing, or otherwise improving the town, and such rate may, with the approval of the Treasury, be increased for the purpose.

(5.) The net income arising from any lodging-houses or dwellings provided by the commissioners in pursuance of the said part of this Act, after the payment of all out-goings, including the interest and instalments of principal of any loan, shall be paid to the town commissioners fund, or otherwise in aid of the rates which have been applied to the payment of the expenses.

100. Sections fifty-six to sixty-four, both inclusive, and sections ninety-nine to one hundred and three, both inclusive, of the Commissioners Clauses Act, 1847, shall be incorporated with Part III. of this Act, so far as regards any town commissioners or any dock or harbour company or commissioners; and in the construction of the said sections for the purposes of the part of this Act with which they are so incorporated, the expression "commissioners" shall mean any such commissioners or company as aforesaid, and the expression "special Act" shall mean this Act.

Incorporation of sections of 10 & 11 Vict. c. 16. for purposes of Part III. of Act.

101.—(1.) Any company, society, or association establishing lodging-houses in pursuance of Part III. of this Act shall have the same power of making byelaws for the regulation of such lodging-houses as a local authority have under the said part.

Power of making byelaws for labourers dwellings in Ireland.

(2.) Any byelaw made for the regulation of lodging-houses in pursuance of Part III. of this Act shall not be valid until approved by the Local Government Board, and a production of a copy of the byelaws purporting to be sealed with the seal of the Local Government Board and signed by the President or by the Under Secretary to the Lord Lieutenant or by the Vice-President, or by two other members of the Board both signing, shall be sufficient evidence of such approval in all courts of justice and elsewhere.

(3.) Where a byelaw has been so approved, any fine imposed by the same may be recovered before a court of summary jurisdiction; and one-half of any fine so recovered shall be paid to the informer and the other half to the authority who made the byelaw, and shall be applied by them in aid of the expenses of the lodging-houses.

A.D. 1890.

## PART VII.

## REPEAL AND TEMPORARY PROVISIONS.

Repeal of  
Acts.

**102.** The Acts mentioned in the Seventh Schedule to this Act are hereby repealed to the extent in the third column of that schedule specified.

Provided that:—

- (1.) Where the Labouring Classes Lodging Houses Acts, 1851 to 1885, have been adopted in any district, that adoption shall be deemed to be an adoption of Part III. of this Act, and this Act shall apply accordingly;
- (2.) Any officer appointed under any enactment hereby repealed shall continue and be deemed to be appointed under this Act;
- (3.) Any dwelling houses acquired by the local authority under the Artizans Dwellings Acts, 1868 to 1885, and vested in them at the commencement of this Act, shall be held by such local authority as if they had been acquired under the provisions of Part III. of this Act, and any land or premises other than dwelling houses so acquired and held by them at the commencement of this Act shall be held as if the same had been acquired as a site of an obstructive building in pursuance of Part II. of this Act, but may with the consent of the authority authorised by the said part of this Act to consent to the sale of land so acquired be appropriated for the purposes of Part III. of this Act.

Temporary  
provisions.

**103.** The provisions of this Act relating to compensation, to the power of the local authority to enter and value premises, to the compensation of tenants for expense of removal, shall be applicable in the case of all improvement schemes which have been confirmed by Act of Parliament during the session in which this Act is passed.



# SCHEDULES.

A.D. 1890.

## FIRST SCHEDULE.

Sections 54, 92.

### ENGLAND AND WALES.

District.	Local Authority.	Local Rate.
<i>Throughout Act.</i>		
Urban sanitary district	- The urban sanitary authority.	The rate out of which the general expenses of the execution of the Public Health Acts are defrayed.
The city of London	- The Commissioners of Sewers.	The sewer rate and the consolidated rate levied by such Commissioners, or either of such rates.
(1.) <i>For the purpose of Parts I. and III.</i>		
The county of London	- The County Council of London.	The county fund and the amount payable shall be deemed to be required for special county purposes.
(2.) <i>For the purposes of Part II.</i>		
A parish other than the parish of Woolwich mentioned in Schedule A. to the Metropolis Management Act, 1855, as amended by the Metropolis Management (Amendment) Act, 1885, and the Metropolis Management (Battersea and Westminster) Act, 1887.	The Vestry elected under the Metropolis Management Act, 1855.	The general rate leviable by such vestry or board under the Metropolis Management Act, 1855.
A district mentioned in Schedule B. to the Metropolis Management Act, 1855, as amended by the Metropolis Management (Amendment) Act, 1885, and the Metropolis Management (Battersea and Westminster) Act, 1887.	The Board of Works for the district elected under the Metropolis Management Act, 1855.	
Parish of Woolwich	- The local board of health -	The district fund and general district rate.
(3.) <i>For the purposes of Parts II. and III.</i>		
Rural sanitary district	- The rural sanitary authority.	The rate out of which the "general" or "special" expenses, as the case may be, of the execution of the Public Health Acts are defrayed.

A.D. 1890.

SCOTLAND.  
*Throughout Act.*

District.	Local Authority.	Local Rate.
Districts under the Public Health (Scotland) Act, 1867, exclusive of parishes or parts thereof over which the jurisdiction of a town council or of police commissioners or trustees exercising the functions of police commissioners does not extend.	The local authorities under the Public Health (Scotland) Act, 1867, in those districts.	The public health rate.
<i>Under Parts II. and III.</i>		
Districts under the Public Health (Scotland) Act, 1867, as amended by the Local Government (Scotland) Act, 1889.	The local authorities under the Public Health (Scotland) Act, 1867, in those districts.	The public health rate.

## IRELAND.

*Under Parts I. and III.*

Urban sanitary district	- The urban sanitary authority.	The rate out of which the general expenses of the execution of the Public Health (Ireland) Act, 1878, are defrayed in these districts.
<i>Under Part II.</i>		
Urban sanitary district	- The urban sanitary authority.	The rate out of which the general expenses of the execution of the Public Health (Ireland) Act, 1878, are defrayed in the district.
Rural sanitary district	- The rural sanitary authority.	The rate out of which the special expenses of the execution of the Public Health (Ireland) Act, 1878, are defrayed in the district.

*Note.*

In any case in the United Kingdom where an urban sanitary authority does not levy a borough rate or any general district rate, but is empowered by a Local Act or Acts to borrow money and to levy a rate or rates throughout the whole of their district for purposes similar to those or to some of those for which a general district rate is leviable, it shall be lawful for such sanitary authority to defray the expenses incurred in the execution of Part III. of this Act by means of money to be borrowed, and a rate or rates to be levied, under such Local Act or Acts.

SECOND SCHEDULE.

A.D. 1890.

PROVISIONS WITH RESPECT TO THE PURCHASE AND TAKING OF LANDS Section 20.  
IN ENGLAND OTHERWISE THAN BY AGREEMENT, AND OTHERWISE  
AMENDING THE LANDS CLAUSES ACTS.

*Deposit of Maps and Plans.*

(1.) The local authority shall as soon as practicable after the passing of the confirming Act cause to be made out, and to be signed by their clerk or some other principal officer appointed by them, maps and schedules of all lands proposed to be taken compulsorily, (which lands are herein-after referred to as the scheduled lands,) together with the names, so far as the same can be reasonably ascertained, of all persons interested in such lands as owners or reputed owners, lessees or reputed lessees, or occupiers. 1-4. 38 & 39  
Vict. c. 36,  
Sch.

(2.) The maps made by the local authority shall be upon such scale and be framed in such manner as may be prescribed by the confirming authority.

(3.) The local authority shall deposit such maps and schedules at the office of the confirming authority, and shall deposit and keep copies of such maps and schedules at the office of the local authority.

*Appointment of Arbitrator.*

(4.) After such deposit at the office of the confirming authority as aforesaid, it shall be lawful for the confirming authority, upon the application of the local authority, to appoint an arbitrator between the local authority, and the persons interested in such of the scheduled lands, or lands injuriously affected by the execution of such scheme, so far as compensation for the same has not been made the subject of agreement.

*Proceedings on Arbitration.*

(5.) Before any arbitrator enters upon any inquiry he shall, in the presence of a justice of the peace, make and subscribe the following declaration; that is to say, 45 & 46 Vict.  
c. 54. Sch.  
(1.) a-f.

‘I A.B. do solemnly and sincerely declare, that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the provisions of the Housing of the Working Classes Act, 1890.

A.B.

‘Made and subscribed in the presence of

And such declaration shall be annexed to the award when made; and if any arbitrator, having made such declaration wilfully act contrary thereto, he shall be guilty of a misdemeanor.

A.D. 1890.

(6.) As soon as an arbitrator has been appointed as aforesaid, the confirming authority shall deliver to him the maps and schedules deposited at their office, and the local authority shall publish once in each of three successive weeks the following particulars :—

(1.) The appointment of the arbitrator ; and

(2.) The deposit at the office of the local authority of the copies of such maps and schedules as aforesaid, with a description of the situation of such office, and a statement of the time at which such copies may be inspected by any person desirous of inspecting the same.

42 & 43 Vict.  
c. 69, Sch. 4  
Art. 1.

Such publication shall be made not only by advertisement, but also by placards and handbills affixed in conspicuous places on or near the lands to be taken, and also by leaving a notice thereof at each house proposed to be taken, and also by sending a notice thereof by post to the persons interested in such lands as owners or reputed owners, lessees or reputed lessees, so far as they can be reasonably ascertained.

(7.) In every case in which compensation is payable under Part I. of this Act, by the local authority to any claimant, and which compensation has not been made the subject of agreement (in this Act referred to as "a disputed case"), the arbitrator shall ascertain in such manner as he thinks most convenient the amount of compensation demanded by the claimant, and the amount which the local authority may be willing to pay ; and after hearing all such parties interested in each disputed case as may appear before him at a time and place of which notice has been given as in Part I. of this Act mentioned, he shall proceed to decide on the amount of compensation to which he may consider the claimant to be entitled in each case.

(8.) The arbitrator shall give notice to the claimants in disputed cases by causing such notice to be published or otherwise in such manner as he thinks advisable, of a time and place at which the difference between the claimants and the local authority in disputed cases as to the amount of compensation to be paid will be decided by the arbitrator.

(9.) After the arbitrator has arrived at a decision on all the disputed cases brought before him he shall make an award under his hand and seal, and such award shall be final, and be binding and conclusive (subject to the provisions concerning an appeal herein-after contained) upon all persons whomsoever, and no such award shall be set aside for irregularity in matter of form, but the arbitrator may and, if the local authority request him so to do, shall from time to time make an award respecting a portion only of the disputed cases brought before him.

(10.) Such award as aforesaid shall be deposited at the office of the confirming authority, and a copy thereof shall be deposited at the office of the local authority, and the local authority shall thereupon publish once in each of three successive weeks notice of the deposit having been made at the office of the local authority of a copy of the award, and a further notice requiring all persons claiming to have any right to or interest in the lands (the compensation to be paid in respect of which is ascertained by such award) to deliver to the local

authority on or before a day to be named in such notice (such day not being earlier than twenty-one days from the date of the last publication of the notice), a short statement in writing of the nature of such claim, and a short abstract of the title on which the same is founded; and such statement and abstract shall be paid for by the local authority. Such abstract of title, in the case of a person claiming a fee-simple interest in the land, shall commence twenty years previous to the date of the claim, except there has been an absolute conveyance on sale within twenty years, and more than ten years previous to the claim when the abstract shall commence with such conveyance.

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*Special Powers of Arbitration.*

(11.) The arbitrator shall have the same power of apportioning any rent-service rentcharge, chief or other rent, payment, or incumbrance, or any rent payable in respect of lands comprised in a lease, as two justices have under the Lands Clauses Consolidation Act, 1845.

Power of arbitrator as to apportionment.  
42 & 43 Vict.  
c. 63. Sch. (2).

(12.) Notwithstanding anything in section ninety-two of the Lands Clauses Consolidation Act, 1845, the arbitrator may determine that such part of any house, building, or manufactory as is proposed to be taken by the local authority can be taken without material damage to such house, building, or manufactory, and if he so determine may award compensation in respect of the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the party interested shall be required to sell and convey to the local authority such part, without the local authority being obliged to purchase the greater part or the whole of such house, building, or manufactory.

Amendment respecting severance of properties.  
8 & 9 Vict.  
c. 18.  
42 & 43 Vict.  
c. 63. Sch. (3).

The local authority, or any person interested, if dissatisfied with a determination under this enactment, may, in manner provided with respect to appeals to a jury in respect of compensation for land by this schedule, submit the question of whether the said part can be taken without material damage, as well as the question of the proper amount of compensation, to a jury; and the notice of intention to appeal shall be given within the same time as notice of intention to appeal against the amount of compensation awarded is required to be given.

(13.) The amount of purchase money or compensation to be paid in pursuance of section one hundred and twenty-four of the Lands Clauses Consolidation Act, 1845, in respect of any estate, right, or interest in or charge affecting any of the scheduled lands which the local authority have through mistake or inadvertence failed or omitted duly to purchase or make compensation for, shall be awarded by the arbitrator and be paid, in like manner, as near as may be, as the same would have been awarded and paid if the claim of such estate, right, interest, or charge had been delivered to the arbitrator before the day fixed for the delivery of statements of claims.

Omitted interests.  
42 & 43 Vict.  
c. 63. Sch. (4).

If the arbitrator is satisfied that the failure or omission to purchase the said estate, right, interest, or charge, arose from any default on the part either of the claimant or of the local authority, he may direct the costs to be paid by the party so in default.



*Payment of Purchase Money.*

A.D. 1890.

Arts. 14-24.  
See 38 & 39  
Vict. c. 86.  
Sch.

(14.) Within thirty days from the delivery of such statement and abstract as aforesaid to the local authority, the local authority shall, where it appears to them that any person so claiming is absolutely entitled to the lands, estate, or interest claimed by him, deliver to such person, on demand, a certificate stating the amount of the compensation to which he is entitled under the said award.

(15.) Every such certificate shall be prepared by and at the cost of the local authority; and where any agreement has been entered into as to the compensation payable in respect of the interest of any person in any lands, the local authority may, where it appears to them that such person is absolutely entitled, deliver to such person a like certificate.

(16.) The local authority shall, thirty days after demand, pay to the party to whom any such certificate is given, or otherwise as herein provided in the cases herein-after mentioned, the amount of moneys specified to be payable by such certificate to the party to whom or in whose favour such certificate is given, his or her executors, administrators, or assigns.

(17.) If the local authority wilfully make default in such payment as aforesaid, then the party named in such certificate shall be entitled to enter up judgment against the local authority in the High Court, for the amount of the sums specified in such certificate, in the same manner in all respects as if he had been, by warrant of attorney from the local authority, authorised to enter up judgment for the amount mentioned in the certificate, with costs, as is usual in like cases; and all moneys payable under such certificates, or to be recovered by such judgments as aforesaid, shall at law and in equity be taken as personal estate as from the time of the local authority entering on any such lands as aforesaid.

(18.) When and so soon as the local authority have paid to the party to whom any such certificate as aforesaid is given, or otherwise, as herein provided, in the cases herein-after mentioned, the amount specified to be payable by such certificate to the party to whom or in whose favour the certificate is given, his executors, administrators, or assigns, it shall be lawful for the local authority, upon obtaining such receipt as herein-after mentioned, from time to time to enter upon any lands in respect of which such certificate is given, and thenceforth to hold the same for the estate or interest in respect of which the amount specified in such certificate was payable.

(19.) In every case in which any moneys are paid by any local authority under this Act for such compensation as aforesaid, the party receiving such moneys shall give to the local authority a receipt for the same, and such receipt shall have the effect of a grant, release, and conveyance of all the estate and interest of such party, and of all parties claiming under or through him, in the lands in respect of which such moneys are paid, provided such receipt has an ad valorem stamp of the same amount impressed thereon in respect of the purchase moneys mentioned in such certificate as would have been necessary if such receipt had been an actual conveyance of such estate or interest, every such receipt to be prepared by and at the cost of the local authority.

(20.) If it appear to the local authority, from any such statement and abstract as aforesaid, or otherwise, that the person making any such claim as aforesaid is

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not absolutely entitled to the lands, estate, or interest in respect of which his claim is made, or is under any disability, or if the title to such lands, estate, or interest be not satisfactorily deduced to the local authority, then and in every such case the amount to be paid by the local authority in respect of such lands, estate, or interest as aforesaid shall be paid and applied as provided by the clauses of the Lands Clauses Consolidation Act, 1845, as amended by the Court of Chancery Funds Act, 1872, "with respect to the purchase money or " compensation coming to parties having limited interests, or prevented from " treating, or not making title."

(21.) Where any person claiming any right or interest in any lands refuses to produce his title to the same, or where the local authority have under the provisions of Part I. of this Act taken possession of any lands in respect of the compensation whereof, or of any estate or interest wherein, no claim has been made within one year from the time of the local authority taking possession, or if any party to whom any such certificate has been given or tendered refuses to receive such certificate, or to accept the amount therein specified as payable to him, then and in any such case the amount payable by the local authority in respect of such lands, estate, or interest, or the amount specified in such certificate, shall be paid into the Bank of England, in manner provided by the last-mentioned clauses of the Lands Clauses Consolidation Act, 1845, as amended by the Court of Chancery Funds Act, 1872, and the amount so paid into the said Bank shall be accordingly dealt with as by the said Act provided.

(22.) Nothing herein contained shall prevent the local authority from requiring any further abstract or evidence of title respecting any lands included in any such award as aforesaid, in addition to the abstract or statement herein-before mentioned, if they think fit, so as the same be obtained at the cost of the local authority.

(23.) If from any reason whatever the local authority does not deliver the certificate aforesaid to any party claiming to be entitled to any interest in any lands the possession whereof has been taken by the local authority as aforesaid, then the right to have a certificate according to the provisions of this Act may, at the cost and charge of the local authority, be enforced by any party or parties, by application to the High Court, in a summary way by petition, and all other rights and interests of any party or parties arising under the provisions of this Act may be in like manner enforced against the local authority by such application as aforesaid.

*Entry on Lands on making Deposit.*

(24.) Where the local authority are desirous, for the purposes of their works, of entering upon any lands before they would be entitled to enter thereon under the provisions herein-before contained, it shall be lawful for the local authority, at any time after the arbitrator has framed his award, upon depositing in the Bank of England such sum as the arbitrator may certify to be in his opinion the proper amount to be so deposited in respect of any lands authorised to be purchased or taken by the local authority, and mentioned in such award, to enter upon and use such lands for the purposes of the improvement scheme of the local authority: and the arbitrator shall, upon the request of the local authority at any time after he has framed such

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award, certify under his hand the sum which, in his opinion, should be so deposited by the local authority in respect of any lands mentioned in such award before they enter upon and use the same as aforesaid, and the sum to be so certified shall be the sum or the amount of the several sums set forth in such award as the sum or sums to be paid by the local authority in respect of such lands, or such greater amount as to the arbitrator, under the circumstances of the case, may seem proper; and, notwithstanding such entry as aforesaid, all proceedings for and in relation to the completion of the award, the delivery of certificates, and other proceedings under Part I. of this Act, shall be had, and payments made, as if such entry and deposit had not been made;

Provided that the local authority shall, where they enter upon any lands by virtue of this present provision, pay interest at the rate of five pounds per centum per annum upon the compensation money payable by them in respect of any lands so entered upon, from the time of their entry until the time of the payment of such money and interest to the party entitled thereto, or where, under the provisions of Part I. of this Act, such compensation is required to be paid into the Bank of England, then until the same, with such interest, is paid into such Bank accordingly; and where under this provision interest is payable on any compensation money the certificate to be delivered by the local authority in respect thereof shall specify that interest is so payable, and the same shall be recoverable in like manner as the principal money mentioned in such certificate.

(25.) The money so deposited as last aforesaid shall be paid into the Bank of England to such account as may from time to time be directed by any regulation or Act for the time being in force in relation to moneys deposited in the bank in similar cases, or to such account as may be directed by any order of the High Court, and remain in the bank by way of security to the parties interested in the lands which have been so entered upon for the payment of the money to become payable by the local authority in respect thereof under the award of the arbitrator; and the money so deposited may, on the application by petition of the local authority, be ordered to be invested in Bank Annuities or Government securities, and accumulated: and upon such payment as aforesaid by the local authority it shall be lawful for the High Court, upon a like application, to order the money so deposited, or the funds in which the same shall have been invested, together with the accumulation thereof, to be repaid or transferred to the local authority, or, in default of such payment as aforesaid by the local authority, it shall be lawful for the said court to order the same to be applied in such manner as it thinks fit for the benefit of the parties for whose security the same shall so have been deposited.

*Appeal.*

(26.) In the following cases, namely,—

(a.) Where the party named in any certificate issued under the provisions herein-before contained of the amount of the compensation ascertained by any award under Part I. of this Act (or any party claiming under the party so named) is dissatisfied with the amount in such certificate certified to be payable, and such amount exceeds one thousand pounds, and

See 45 & 46  
Vict. c. 54.  
Sch. (G).

(b.) Where any party claiming any interest in any moneys so paid into court as aforesaid is dissatisfied with the amount of the price or compensation in respect of which such moneys are paid into court, and such amount exceeds one thousand pounds; also

(c.) Where the local authority is dissatisfied with the amount of compensation which the arbitrator appointed under the provisions of Part I. of this Act has awarded to be paid by the local authority to any person in respect of any estate or interest in lands, and such amount exceed the sum of one thousand pounds:

the party dissatisfied may, upon obtaining the leave of the High Court, which leave may be granted by such court or any judge thereof at chambers in a summary manner, and upon being satisfied that a failure of justice will take place if the leave is not granted, submit the question of the proper amount of compensation to a jury, provided that such party give notice in writing to the other party of their intention to appeal within ten days after the cause of appeal has arisen.

The cause of appeal shall be deemed to have arisen,—

- (1.) Where a certificate has been issued as aforesaid, at the date of the issue of the certificate;
- (2.) Where moneys have been paid into court, at the date of the payment into court;
- (3.) Where the local authority appeals, at the date of the making of the award.

(27.) Where a notice has been given under Part I. of this Act of an appeal to a jury in respect of compensation for land, or any interest in land, a question of disputed compensation required to be determined by the verdict of a jury shall be deemed to have arisen within the meaning of the Lands Clauses Consolidation Act, 1845, and all the provisions of that Act contained in sections thirty-eight to fifty-seven, both inclusive, shall be deemed to apply, except sections forty-seven and fifty-one: Provided also, that—

- (1.) Where the local authority appeals that authority shall be deemed to be the plaintiff and the party entitled to compensation to be the defendant; and
- (2.) Where the party claiming compensation appeals, then, in case the verdict of the jury is for a sum exceeding the award of the arbitrator, the local authority shall pay to such party the costs of the trial, such costs to be taxed and ascertained in the same manner as costs are by law ascertained on the trial of issues tried in the High Court; but in case the verdict of the jury is for a sum not exceeding the award of the arbitrator, the party appealing shall pay to the local authority the costs of the trial to be taxed and ascertained in manner aforesaid.

(3.) Where the local authority is the appellant,—

- (a.) Notwithstanding the verdict of the jury may be for a sum less than that awarded by the arbitrator, the local authority shall pay to the other party such sum not exceeding twenty pounds for the costs of the trial as the sheriff or other officer before whom the same is tried shall direct; and

s. 8 & 9 Vict.  
c. 18.



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- (b.) In case the verdict of the jury is for a sum equal to or exceeding the award of the arbitrator, the local authority shall pay to the other party the costs of the trial, such costs to be taxed and ascertained in manner aforesaid.
- (c.) The amount of compensation awarded by the arbitrator shall not be communicated to the jury, but they shall be required to make an independent assessment of the amount of compensation to which the party claiming compensation is entitled.

*Costs of Arbitration.*See 45 & 46  
Vict. c. 54.  
Sch. (H).

(28.) The salary or remuneration, travelling, and other expenses of the arbitrator, and all costs, charges, and expenses (if any) which may be incurred by the confirming authority in carrying the provisions of Part I. of this Act into execution, shall, after the amount thereof shall have been certified under this article, be paid by the local authority; and the amount of such costs charges, and expenses shall from time to time be certified by the confirming authority after first hearing any objections that may be made to the reasonableness of any such costs, charges and expenses by or on behalf of the local authority; and every certificate of the said confirming authority certifying the amount of such costs, charges, and expenses shall be taken as proof in all proceedings at law or in equity of the amount of such respective costs, charges, and expenses, and the amount so certified shall be a debt due from the local authority to the Crown, and shall be recoverable accordingly.

Further, any such certificate may be made a rule of a superior court on the application of any party named therein, and may be enforced accordingly.

(29.)—(1.) It shall be lawful for the arbitrator, where he thinks fit, upon the request of any party by whom any claim has been made before him, to certify the amount of the costs properly incurred by such party in relation to the arbitration, and the amount of the costs so certified shall be paid by the local authority;

Provided that—

- (a.) The arbitrator shall not be required to certify the amount of costs in any case where he considers such costs are not properly payable by the local authority;
- (b.) The arbitrator shall not be required to certify the amount of costs incurred by any party in relation to the arbitration, in any case where he considers that such party neglected, after due notice from the local authority, to deliver to that authority a statement in writing within such time, and containing such particulars respecting the compensation claimed, as would have enabled the local authority to make a proper offer of compensation to such party before the appointment of the arbitrator.
- (c.) No certificate shall be given where the arbitrator has awarded the same or a less sum than has been offered by the local authority in respect of the claim before the appointment of the arbitrator.

(2.) If within seven days after demand the amount certified be not paid to the party entitled to receive the same, such amount shall be recoverable as a debt from the local authority with interest at the rate of five per cent. per

See  
45 & 46 Vict.  
c. 54. Sch. (I.)



annum for any time during which the same remains unpaid after such seven days as aforesaid. A.D. 1890.

*Miscellaneous.*

(30.) The arbitrator may call for the production of any documents in the possession or power of the local authority, or of any party making any claim under the provisions of Part I. of this Act, which such arbitrator may think necessary for determining any question or matter to be determined by him under Part I. of this Act, and may examine any such party and his witnesses, and the witnesses for the local authority, on oath, and administer the oaths necessary for that purpose.

(31.) If any arbitrator appointed in pursuance of Part I. of this Act die, or refuse, decline, or become incapable to act, the confirming authority may appoint an arbitrator in his place, who shall have the same powers and authorities as the arbitrator first appointed; and upon the appointment of any arbitrator in the place of an arbitrator dying, or refusing, declining, or becoming incapable to act, all the documents relating to the matter of the arbitration which were in the possession of such arbitrator shall be delivered to the arbitrator appointed in his place, and the local authority shall publish notice of such appointment in the London Gazette.

(32.) All notices required by this schedule to be published shall be published in some one and the same newspaper circulating within the jurisdiction of the local authority, and where no other form of service is prescribed all notices required to be served or given by the local authority under this schedule or otherwise upon any persons interested in or entitled to sell lands, shall be served in manner in which notices of lands proposed to be taken compulsorily for the purpose of an improvement scheme are directed by Part I. of this Act to be served upon owners or reputed owners, lessees or reputed lessees, and occupiers.

*Application of Schedule to Scotland.*

The provisions of this schedule shall apply to Scotland, with the following modifications :—

Application of  
schedule to  
Scotland.

(33.)—(a.) In any reference in this schedule to “an abstract of title” there shall be substituted “a legal progress of the title deeds”:

(b.) In articles sixteen and eighteen of this schedule the words heirs, executors, or assignees shall be substituted for the words “executors, administrators, or assigns”:

(c.) In articles twenty and twenty-one the words “as amended by the Court of Chancery Funds Act, 1872,” shall be omitted:

(d.) Any reference to payment of money into the Bank of England shall be construed to be payment into any one of the incorporated or chartered banks of Scotland:

(e.) Any reference to the High Court shall be construed as a reference to the Court of Session;

(f.) Any money ordered to be invested under article twenty-five of this schedule shall be invested only in Government securities:

A.D. 1890. (g.) Any reference to payment of money into court shall be construed as payment into bank :

(h.) A reference to plaintiff and defendant shall be construed as a reference to pursuer and defender :

(i.) The Edinburgh Gazette shall be substituted for the London Gazette.

(34.) In lieu of articles 11, 17, and 19 of this schedule the following provisions shall be substituted:—

(i.) The arbitrator shall have the same power of apportioning any feu duty, ground annual, casualty or superiority, or any rent or other annual or recurring payment or incumbrance, or any rent payable in respect of lands comprised in a lease, as the sheriff has under the Lands Clauses Consolidation (Scotland) Act, 1845.

(ii.) If the local authority wilfully make default in such payment as aforesaid, then the party named in such certificate shall be entitled to record the same in the books of council and session, or other judge's books competent, and to have a decree interponed thereto, and to be extracted with a view to execution, in the like manner as if a formal clause of registration had been contained therein; and all diligence and execution shall be competent thereon in the like manner and to all effects as upon any bond containing such formal clause of registration; and all moneys payable under such certificates, or to be recovered by such execution and diligence as aforesaid, shall be taken as personal estate as from the time of the local authority entering on any such lands as aforesaid.

(iii.) In every case in which any moneys are paid by any local authority under this Act for such compensation as aforesaid, the party receiving such moneys shall give to the local authority a conveyance of the lands in respect of which such moneys are paid, or of all the estate and interest of such party, and of all parties claiming under or through him, in such lands, and every such conveyance shall be prepared by and at the costs of the local authority.

#### *Application of Schedule to Ireland.*

(35.) The provisions of this schedule shall apply to Ireland, with the following modifications:—

13 & 14 Vict.  
c. 51.

(a.) In articles twenty and twenty-one the words and figures "the Act of the session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter fifty-one, intituled 'An Act for the transfer of the equitable jurisdiction of the Court of Exchequer to the Court of Chancery in Ireland, and any subsequent enactment'" shall be substituted for the words and figures "the Court of Chancery Funds Act, 1872."

(b.) The Bank of Ireland shall be substituted for the Bank of England;

(c.) The Dublin Gazette shall be substituted for the London Gazette.

THIRD SCHEDULE.

A.D. 1890.

ENACTMENTS APPLIED for the purpose of PROCEEDINGS for CLOSING Sections 29, 32.  
PREMISES in ENGLAND, SCOTLAND, and IRELAND respectively.

ENGLAND.

*Administrative County of London.*

SANITARY ACT, 1866 (Section 21).

29 & 30 Vict.  
c. 90.

NUISANCES REMOVAL ACT, 1855 (Sections 8, 12, and 13).

18 & 19 Vict.  
c. 121.

SANITARY ACT, 1866 (Section 21).

s. 21. The nuisance authority \* \* shall, previous to taking  
proceedings before a justice under the twelfth section of the Nuisances Removal  
Act, 1855, serve a notice \* \* \* on the owner or  
occupier of the premises on which the nuisance arises, to abate the same,  
and for that purpose to execute such works, and to do all such things as  
may be necessary within a time to be specified in the notice: Provided,

As to proceed-  
ings of nuisance  
authority under  
s. 12 of 18 & 19  
Vict. c. 121.

First, that where the nuisance arises from the want or defective con-  
struction of any structural convenience, or where there is no occupier of  
the premises, notice under this section shall be served on the owner:

NUISANCES REMOVAL ACT, 1855 (Sections 8, 12, and 13).

s. 8. The word nuisances under this Act shall include—

Any premises in such a state as to be a nuisance or injurious to health

s. 12. In any case where a nuisance is so ascertained by the local authority  
to exist, or where the nuisance in their opinion did exist at the time when  
the notice was given, and, although the same may have been since removed or  
discontinued, is, in their opinion, likely to recur or to be repeated on the same  
premises or any part thereof, they shall cause complaint thereof to be made  
before a justice of the peace, and such justice shall thereupon issue a summons  
requiring \* \* the owner or occupier of the premises  
on which the nuisance arises, to appear before any two justices, in petty  
sessions assembled, at their usual place of meeting, who shall proceed to  
inquire into the said complaint; \* \* \*

Proceedings  
by local autho-  
rity before  
justices in  
case of  
nuisances  
likely to  
recur, &c.

A.D. 1890.

s. 13. \* \* \* \* \* and if the nuisance proved to exist be such as to render a house or building, in the judgment of the justices, unfit for human habitation, they may prohibit the using thereof for that purpose until it is rendered fit for that purpose in the judgment of the justices, and on their being satisfied that it has been rendered fit for such purpose, they may determine their previous order by another declaring such house habitable, from the date of which other order such house may be let or inhabited.

*Elsewhere than London.*

PUBLIC HEALTH ACT, 1875 (Sections 91, 94, 95, and 97).

38 & 39 Viet.  
c. 55.

s. 91. For the purposes of this Act—

(1.) Any premises in such a state as to be a nuisance or injurious to health  
\* \* \* \* \* shall be deemed to be nuisances liable to be dealt with summarily in manner provided by this Act.

Local authority to serve notice requiring abatement of nuisance.

s. 94. \* \* \* \* \* the local authority shall \* \* \* \* \*  
\* \* \* \* \* serve a notice \* \* \* \* \*  
\* \* \* \* \* on the owner or occupier of the premises on which the nuisance arises, requiring him to abate the same within a time to be specified in the notice, and to execute such works and do such things as may be necessary for that purpose: Provided—  
First. That where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice under this section shall be served on the owner:

On non-compliance with notice complaint to be made to justice.

s. 95. If the person on whom a notice to abate a nuisance has been served makes default in complying with any of the requisitions thereof within the time specified, or if the nuisance, although abated since the service of the notice, is, in the opinion of the local authority, likely to recur on the same premises, the local authority shall cause a complaint relating to such nuisance to be made before a justice, and such justice shall thereupon issue a summons requiring the person on whom the notice was served to appear before a court of summary jurisdiction.

Order of prohibition in case of house unfit for human habitation.

s. 97. Where the nuisance proved to exist is such as to render a house or building, in the judgment of the court unfit for human habitation, the court may prohibit the using thereof for that purpose until, in its judgment, the house or building is rendered fit for that purpose; and on the court being satisfied that it has been rendered fit for that purpose, the court may determine its previous order by another, declaring the house or building habitable, and from the date thereof such house or building may be let or inhabited.

SCOTLAND.

A.D. 1890.

PUBLIC HEALTH (SCOTLAND) ACT, 1867 (Sections 16, 18, and 19).

30 & 31 Vict.  
c. 101.

s. 16. The word "nuisance" under this Act shall include—

(a.) Any insufficiency of size, defect of structure, defect of ventilation, want of repair or proper drainage, or suitable watercloset, or privy accommodation or cesspool, and any other matter or circumstance rendering any inhabited house, building, premises, or part thereof, injurious to the health of the inmates or unfit for human habitation or use—

\* \* \* \* \*

s. 18. In any case where the existence of a nuisance is ascertained to their satisfaction by the local authority,

Proceedings by local authority when nuisances are ascertained to exist.

\* \* \* \* \* and, although the same may have been since removed or discontinued, is in their opinion likely to recur or to be repeated, they may apply to the sheriff or to any magistrate or justice, by summary petition in manner herein-after directed, and if it appear to his satisfaction that the nuisance exists, or, if removed or discontinued since the demand of admission was made or the certificate was given, that it is likely to recur or to be repeated, he shall decern for the removal or remedy or discontinuance or interdict of the nuisance. \* \* \* \* \*

s. 19. \* \* \* \* \* and if the nuisance proved to exist be such as to render a house or building unfit for human habitation, he† may prohibit the using thereof for that purpose until it is rendered fit for that purpose, or do otherwise as the case may in his judgment require.

† i.e., the sheriff, magistrate, or justice.

IRELAND).

PUBLIC HEALTH (IRELAND) ACT, 1878 (Sections 107, 110, 111, and 113).

41 & 42 Vict.  
c. 52.

s. 107. For the purposes of this Act—

(1.) Any premises in such a state as to be a nuisance or injurious to health \* \* \* \* \* shall be deemed to be nuisances liable to be dealt with summarily in manner provided by this Act.

s. 110. \* \* \* \* \* the sanitary authority shall \* \* \* \* \* serve a notice \* \* \* \* \* on the owner or occupier of the premises on which the nuisance arises, requiring him to abate the same within a time to be specified in the notice, and to execute such works and do such things as may be necessary for that purpose: Provided—

Sanitary authority to serve notice requiring abatement of nuisance.

First. That where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice under this section shall be served on the owner:

\* \* \* \* \*

s. 111. If the person on whom a notice to abate a nuisance has been served makes default in complying with any of the requisitions thereof within the time specified, or if the nuisance, although abated since the service of the

On non-compliance with notice, complaint to be made to justice.



Order of prohibition in case of house unfit for human habitation.

s. 113. Where the nuisance proved to exist is such as to render a house or building, in the judgment of the court, unfit for human habitation, the court may prohibit the using thereof for that purpose until, in its judgment, the house or building is rendered fit for that purpose; and on the court being satisfied that it has been rendered fit for that purpose the court may determine its previous order by another, declaring the house or building habitable and from the date thereof such house or building may be let or inhabited.

## FORMS.

## FORM A.

*Form of Notice requiring Premises to be made fit for Habitation.*

To [person causing the premises to be unfit for habitation, or owner or occupier of the premises, as the case may be].

Take notice that under the provisions of the Public Health Act, 1875, and the Housing of the Working Classes Act, 1890, the [describe the local authority], being satisfied that the following premises, that is to say [describe premises or place where the nuisance exists], are in a state so dangerous or injurious to health as to be unfit for human habitation, do hereby require you within from the service of this notice to make the said

If you make default in complying with the requisitions of this notice proceedings will be taken before a court of summary jurisdiction for prohibiting the use of the premises for human habitation.

Dated this                      day of                      18                      .  
*Signature of officer* }  
*of local authority* }

FORM B.

A.D. 1890.

*Form of Summons for Closing Order.*

To the owner or occupier of [*describe premises,*] situate at [*insert such a description as may be sufficient to identify the premises.*]

County of [*or borough* } You are required to appear before [*describe the court*  
of , *or district* } of *summary jurisdiction*] at the petty sessions [*or*  
of , *or as the* } court] holden at on the day  
case may be] to wit. } of next, at the hour of in the

noon, to answer the complaint this day made to me by  
that the premises above mentioned are used as a dwelling-house and are in a  
state so dangerous or injurious to health as to be unfit for human habitation.

Given under my hand and seal this day of 18 .

FORM C.

*Form of Closing Order.*

To the owner [*or occupier*] of [*describe the premises*] situated [*give such description as may be sufficient to identify the premises.*]

County of } WHEREAS on the day of  
[*or borough, &c. of* } complaint was made before Esquire,  
or } one of Her Majesty's justices of the peace acting in  
district of } and for the county [*or other jurisdiction*] stated in  
or as the case may be]. } the margin, [*or as the case may be,*] by

that certain premises situated at in the district under the  
Public Health Act, 1875, of [*describe the local authority*], were in a state so  
dangerous or injurious to health as to be unfit for human habitation :

And whereas the owner [*or occupier*] within the  
meaning of the said Public Health Act, 1875, hath this day appeared before  
us [(*or me*) *describing the court*], to answer the matter of the said  
complaint [*or in case the party charged do not appear, say,*] and whereas  
it hath been this day proved to our (*or my*) satisfaction that a true copy  
of a summons requiring the owner [*or occupier*] of the said premises [*or*  
the said A.B.] to appear this day before us [*or me*] hath  
been duly served according to the said Act and the Housing of the Working  
Classes Act, 1890 :

A.D. 1890.  
—

Now on proof here had before us [*or me*] that the said premises are in a state so dangerous or injurious to health as to be unfit for human habitation, we [*or I*], in pursuance of the said Acts, do prohibit the using of the premises for the purpose of human habitation until in our [*or my*] judgment they are rendered fit for that purpose.

Given under the hands and seals of us [*or the hand and seal of me*,  
*describing the court*].

This

day of

18

J.S. (L.S.)

J.P. (L.S.)

---

## FIFTH SCHEDULE.

---

Section 36.

## FORM MARKED A.

*The Housing of the Working Classes Act, 1890.*

County of  
Parish of  
No.

*Charging Order.*

Insert descrip-  
tion of local  
authority.

The being the local authority under the  
above-mentioned Act, do, by this Order under their hands and seal, charge the  
inheritance or fee of the premises mentioned in the schedule hereto with the  
payment to of the sum of pounds  
payable yearly on the day of for the term of  
years, and being in consideration of an expenditure of  
pounds incurred by him in respect of the said premises.

---

FORM MARKED B.

A.D. 1890.

*Form of Assignment of Charge. To be endorsed on Charging Order.*

Section 37.

Dated the \_\_\_\_\_ day of \_\_\_\_\_  
I, the within-named \_\_\_\_\_ in pursuance of the Housing of the Working Classes Act, 1890, and in consideration of \_\_\_\_\_ pounds this day paid to me, hereby assign to the within-mentioned charge.

Insert description of premises charged.

(Signed)

---

## SIXTH SCHEDULE.

---

BYELAWS TO BE MADE IN ALL CASES (EXCEPT WHERE A LODGING  
HOUSE IS USED AS A SEPARATE DWELLING).

Section 62.

For securing that the lodging-houses shall be under the management and control of the officers, servants, or others appointed or employed in that behalf by the local authority.

For securing the due separation at night of men and boys above eight years old from women and girls.

For preventing damage, disturbance, interruption, and indecent and offensive language and behaviour and nuisances.

For determining the duties of the officers, servants, and others appointed by the local authority.

A.D. 1899.

## SEVENTH SCHEDULE.

Section 102.

## ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
14 & 15 Vict. c. 34.	- The Labouring Classes Lodging Houses Act, 1851.	The whole Act.
18 & 19 Vict. c. 88.	- The Dwelling Houses (Scotland) Act, 1855.	The whole Act.
29 & 30 Vict. c. 28.	- The Labouring Classes Dwelling Houses Act, 1866.	The whole Act.
29 & 30 Vict. c. 44.	- The Labouring Classes Lodging Houses and Dwellings Act (Ireland), 1866.	The whole Act.
30 & 31 Vict. c. 28.	- The Labouring Classes Dwelling Houses Act, 1867.	The whole Act.
31 & 32 Vict. c. 130.	- The Artizans and Labourers Dwellings Act, 1868.	The whole Act.
38 & 39 Vict. c. 36.	- The Artizans and Labourers Dwellings Improvement Act, 1875.	The whole Act.
38 & 39 Vict. c. 49.	- The Artizans and Labourers Dwellings Improvement (Scotland) Act, 1875.	The whole Act.
42 & 43 Vict. c. 63.	- The Artizans and Labourers Dwellings Improvement Act, 1879.	The whole Act.
42 & 43 Vict. c. 64.	- The Artizans and Labourers Dwellings Act (1868) Amendment Act, 1879.	The whole Act.
42 & 43 Vict. c. 77.	- The Public Works Loans Act, 1879.	Section six.
43 Vict. c. 2.	- The Artizans and Labourers Dwellings Improvement (Scotland) Act, 1880.	The whole Act.
43 Vict. c. 8.	- An Act to explain and amend the twenty-second section of the Artizans and Labourers Dwellings Act (1868) Amendment Act, 1879.	The whole Act.



A. D. 1890.

Session and Chapter	Short Title.	Extent of Repeal.
45 & 46 Vict. c. 51.	- The Artizans Dwellings Act, 1882.	The whole Act.
48 & 49 Vict. c. 72.	- The Housing of the Working Classes Act, 1885.	The whole Act except sections three and seven to nine, and except section ten so far as it relates to byelaws authorised by those sections.

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## CHAPTER 16.

An Act to facilitate Gifts of Land for Dwellings for the Working Classes in Populous Places. [25th July 1890.] A.D. 1890.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Parts I. and II. of the Mortmain and Charitable Uses Act, 1888, and section sixteen of the Act of the session held in the seventh and eighth years of Her present Majesty, chapter ninety-seven, intituled "An Act for the more effectual application of charitable donations and bequests in Ireland," shall not apply to any assurance, by deed or will, of land, or of personal estate to be laid out in land, for the purpose of providing dwellings for the working classes in any populous place.

Exemption from 51 & 52 Vict. c. 42. Parts I., II., & 7 & 8 Vict. c. 97. s. 16. of gifts for working classes dwellings.

Provided as follows:—

- (i.) The quantity of land which may be assured by will under this section shall not exceed five acres; and
- (ii.) The deed or will containing the assurance must, within six months, in the case of a deed after the execution thereof, or in the case of a will after the probate thereof, be enrolled in the books of the Charity Commissioners, if the land is situate in England or Wales, and the deed containing the assurance must, within six months after the execution thereof, be registered in the office for registering deeds in the city of Dublin, if the land is situate in Ireland.

For the purposes of this Act, the expression "populous place" means the administrative county of London, any municipal borough, any urban sanitary district, and any other place having a dense population of an urban character.

A.D. 1890.  
—  
Application  
of Act.

2. This Act shall extend to any assurance by deed made within twelve months before the passing of this Act by a person alive at that passing as if it had been made after the passing, except that the assurance shall be enrolled or registered as aforesaid within six months after the passing of this Act.

Short title  
and con-  
struction.

3.—(1.) This Act may be cited as the *Working Classes Dwellings Act*, 1890.

(2.) Expressions used in this Act shall have the same meaning as in the *Mortmain and Charitable Uses Act*, 1888.

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HODGES, FIGGIS, & Co., 104, GRAFTON STREET, DUBLIN.

# Factory and Workshop Act, 1891.

[54 & 55 VICT. CH. 75.]

## ARRANGEMENT OF SECTIONS.

A.D. 1891.

### *Sanitary Provisions.*

#### Section.

1. Powers of Secretary of State as to sanitary provisions in workshops.
2. Powers of factory inspector after notice to sanitary authority.
3. Enforcement by sanitary authority of sanitary provisions as to workshops.
4. Cleanliness and limewashing of workshops.
5. Amendment of 41 & 42 Vict. c. 16. s. 3, as to sanitary provisions.

### *Safely.*

6. Amendment of 41 & 42 Vict. c. 16. s. 5, as to fencing of machinery.
7. Provision against fire.

### *Special Rules and Requirements.*

8. Special rules and requirements as to dangerous and unhealthy incidents of employment.
9. Penalty for contravention of special rules or requirement.
10. Amendment of special rules.
11. Publication of special rules.
12. Certified copies of special rules to be evidence.

### *Period of Employment.*

13. Period of employment for women.
14. Notice as to overtime.
15. Period of employment on Saturday for young persons and women not employed more than eight hours.

### *Holidays.*

16. Amendment of 41 & 42 Vict. c. 16. s. 22, as to holidays.

[Price 2½d.]

A

i



*Conditions of Employment.*

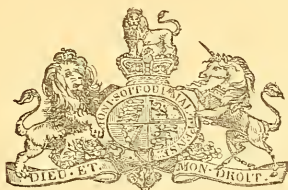
A.D. 1891. Section.

17. Prohibition of employment of women after child-birth.
18. Prohibition of employment of children under eleven years of age.
19. Report of certifying surgeon.
20. Certificate of birth in case of children and young persons under 16.
21. Amendment of 41 & 42 Vict. c. 16. s. 61, as to exemption of certain workshops.

*Miscellaneous.*

22. Amendment of 41 & 42 Vict. c. 16. s. 31, as to notice of accidents.
23. Inspectors in Wales and Monmouthshire.
24. Particulars to be supplied in case of payment by piece.
25. Powers of entry.
26. Notice of opening workshop.
27. Lists of out-workers.
28. Minimum penalties in certain cases.
29. Limitation of time for summary proceedings.
30. Amendment of 41 & 42 Vict. c. 16. s. 92.
31. Amendment of 41 & 42 Vict. c. 16. s. 93.
32. Saving for persons employed in process of cleaning fruit.
33. Application to Scotland.
34. Amendment of 41 Vict. c. 16. s. 106, as to holidays in Ireland.
35. Amendment of 41 & 42 Vict. c. 16. s. 104.
36. Amendment of 46 & 47 Vict. c. 53. s. 18.
37. Definitions of "machinery" and "domestic workshop."
38. Amendment of 41 & 42 Vict. c. 16. Sch. IV.
39. Repeal.
40. Commencement of Act.
41. Short title and construction.

## SCHEDULES.



## CHAPTER 75.

An Act to amend the Law relating to Factories and Workshops. A.D. 1891.  
[5th August 1891.]

**W**HEREAS it is expedient to amend the Factory and Workshop Act, 1878 (herein-after referred to as the principal Act): 41 Vict.  
c. 16.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

*Sanitary Provisions.*

1.—(1.) If the Secretary of State is satisfied that the provisions of the law relating to public health as to effluvia arising from any drain, privy, or other nuisance, or with respect to cleanliness, ventilation, overcrowding, or limewashing are not observed in any workshops or class of workshops (including workshops conducted on the system of not employing any child, young person, or woman therein) or laundries, he may, if he thinks fit, by order, authorise and direct an inspector or inspectors under the principal Act to take, during such period as may be mentioned in the order, such steps as appear necessary or proper for enforcing the said provisions. Powers of Secretary of State as to sanitary provisions in workshops.

(2.) An inspector authorised in pursuance of this section shall, for the purpose of his duties, have the same powers with respect to workshops and laundries to which this section applies, as he has under the principal Act as amended by this Act with respect to factories, and may for the same purpose take the like proceedings for punishing or remedying any default in compliance with the said provisions of the law relating to public health as might be taken by the sanitary authority of the district in which the workshops or laundries are situate, and shall be entitled to recover from that sanitary authority all such expenses in and about any proceedings in

A.D. 1891. — respect of such workshops or laundries as he may incur and are not recovered from any other person, and have not been incurred in any unsuccessful proceedings.

Powers of  
factory in-  
specter after  
notice to  
sanitary  
authority.

2.—(1.) Section four of the principal Act shall apply to workshops conducted on the system of not employing any child, young person, or woman therein, and to laundries.

(2.) Where notice of an act, neglect, or default is given by an inspector under the said section four, as amended by this Act, to a sanitary authority, and proceedings are not taken within a reasonable time for punishing or remedying the act, neglect, or default, the inspector may take the like proceedings for punishing or remedying the same as the sanitary authority might have taken, and shall be entitled to recover from the sanitary authority all such expenses in and about the proceedings as the inspector incurs and are not recovered from any other person, and have not been incurred in any unsuccessful proceedings.

Enforcement  
by sanitary  
authority of  
sanitary pro-  
visions as to  
workshops.  
41 & 42 Vict.  
c. 16.  
51 & 55 Vict.  
c. 76.

3.—(1.) Sections three and thirty-three of the Factory and Workshop Act, 1878 (which relate to cleanliness, ventilation, and overerowing in, and limewashing of, factories and workshops), shall cease to apply to workshops.

(2.) For the purpose of their duties with respect to workshops (not being workshops to which the Public Health (London) Act, 1891, applies), a sanitary authority and their officers shall, without prejudice to their other powers, have all such powers of entry, inspection, taking legal proceedings or otherwise, as an inspector under the principal Act.

(3.) If any child, young person, or woman, is employed in a workshop, and the medical officer of the sanitary authority becomes aware thereof, he shall forthwith give written notice thereof to the factory inspector of the district.

Cleanliness  
and lime-  
washing of  
workshops.  
38 & 39 Vict.  
c. 55.

4.—(1.) Every workshop as defined by the principal Act (including any workshop conducted on the system of not employing any child, young person, or woman therein), and every workplace within the meaning of the Public Health Act, 1875, shall be kept free from effluvia arising from any drain, water closet, earth closet, privy, urinal, or other nuisance, and unless so kept shall be deemed to be a nuisance liable to be dealt with summarily under the law relating to public health.

(2.) Where on the certificate of a medical officer of health or inspector of nuisances it appears to any sanitary authority that the

limewashing, cleansing, or purifying of any such workshop, or of any part thereof, is necessary for the health of the persons employed therein, the sanitary authority shall give notice in writing to the owner or occupier of the workshop to limewash, cleanse, or purify the same or part thereof, as the case may require.

A.D. 1891.

(3.) If the person to whom notice is so given fails to comply therewith within the time therein specified, he shall be liable to a fine not exceeding ten shillings for every day during which he continues to make default, and the sanitary authority may, if the think fit, cause the workshop or part to be limewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person in default.

(4.) This section shall not apply to any workshop or workplace to which the Public Health (London) Act, 1891, applies.

54 & 55 Vict.  
c. 76.

5. In section three of the principal Act, for the word "privy," shall be substituted the words "water closet, earth closet, privy, urinal," and for the words "injurious to the health of the persons employed therein" shall be substituted the words "dangerous or injurious to the health of the persons employed therein."

Amendment  
of 41 & 42  
Vict. c. 16.  
s. 3, as to  
sanitary  
provisions.

### *Safety.*

6.—(1.) The words "near to which any person is liable to pass or to be employed" in sub-section (1) of section five of the principal Act are hereby repealed.

Amendment  
of 41 & 42  
Vict. c. 16.  
s. 5, as to  
fencing of  
machinery.

(2.) In sub-section three of the same section before the words "every part" shall be inserted the words "all dangerous parts of the machinery and."

7.—(1.) Every factory of which the construction is commenced after the first day of January one thousand eight hundred and ninety-two, and in which more than forty persons are employed, shall be furnished with a certificate from the sanitary authority of the district in which the factory is situate that the factory is provided on the storeys above the ground floor with such means of escape in case of fire for the persons employed therein as can reasonably be required under the circumstances of each case, and a factory not so furnished shall be deemed not to be kept in conformity with the principal Act, and it shall be the duty of the sanitary authority to examine every such factory, and on being satisfied that the factory is so provided to give such a certificate as aforesaid.

Provision  
against fire.

A.D. 1891.

38 & 39 Vict.  
c. 75.

(2.) With respect to all factories to which the foregoing provisions of this section do not apply, and in which more than forty persons are employed, it shall be the duty of the sanitary authority of every district, as soon as may be after the passing of this Act, and afterwards from time to time, to ascertain whether all such factories within their district are provided with such means of escape as aforesaid, and, in the case of any factory which is not so provided, to serve on the person being within the meaning of the Public Health Act, 1875, the owner of the factory a notice in writing specifying the measures necessary for providing such means of escape as aforesaid, and requiring him to carry out the same before a specified date, and thereupon such owner shall, notwithstanding any agreement with the occupier, have power to take such steps as are necessary for complying with the requirements, and, unless such requirements are so complied with, such owner shall be liable to a fine not exceeding one pound for every day that such non-compliance continues. In case of a difference of opinion between the owner of the factory and the sanitary authority, the difference shall, on the application of either party, be referred to arbitration, and thereupon the provisions of the First Schedule to this Act shall have effect, except that the parties to the arbitration shall be the sanitary authority on the one hand and the owner on the other, and the award on the arbitration shall be binding on the parties thereto. If the owner alleges that the occupier of the factory ought to bear or contribute to the expenses of complying with the requirement, he may apply to the county court having jurisdiction where the factory is situate, and thereupon the county court, after hearing the occupier, may make such order as appears to the court just and equitable under all the circumstances of the case.

(3.) All expenses incurred by a sanitary authority in the execution of this section shall be defrayed—

- (a) in the case of an authority of an urban district, as part of their expenses of the general execution of the Public Health Act, 1875; and
- (b) in the case of an authority of a rural district, as special expenses incurred in the execution of the Public Health Act, 1875; and such expenses shall be charged to the contributory place in which the factory is situate.

(4.) In the application of this section to the administrative county of London, the London County Council shall take the place of the sanitary authority, and their expenses in the execution of this section shall be defrayed as part of their expenses in the management of the Metropolitan Building Act, 1855, and the Acts amending the same.

18 & 19 Vict.  
c. 122.



*Special Rules and Requirements.*

A.D. 1891.

8.—(1.) Where the Secretary of State certifies that in his opinion any machinery or process or particular description of manual labour used in a factory or workshop (other than a domestic workshop) is dangerous or injurious to health or dangerous to life or limb, either generally or in the case of women, children, or any other class of persons, or that the provision for the admission of fresh air is not sufficient, or that the quantity of dust generated or inhaled in any factory or workshop is dangerous or injurious to health, the chief inspector may serve on the occupier of the factory or workshop a notice in writing, either proposing such special rules or requiring the adoption of such special measures as appear to the chief inspector to be reasonably practicable and to meet the necessities of the case.

Special rules and requirements as to dangerous and unhealthy incidents of employment.

(2.) Unless within twenty-one days after receipt of the notice the occupier serves on the chief inspector a notice in writing that he objects to the rules or requirement, the rules shall be established, or, as the case may be, the requirement shall be observed.

(3.) If the notice of objection suggests any modification of the rules or requirement, the Secretary of State shall consider the suggestion and may assent thereto with or without any further modification which may be agreed on between the Secretary of State and the occupier, and thereupon the rules shall be established, or, as the case may be, the requirement shall be observed, subject to such modification.

(4.) If the Secretary of State does not assent to any objection or modification suggested as aforesaid by the occupier, the matter in difference between the Secretary of State and the occupier shall be referred to arbitration under this Act, and the date of the receipt of the notice of objection by the Secretary of State shall be deemed to be the date of the reference, and the rules shall be established, or the requisition shall have effect, as settled by an award on arbitration.

(5.) Any notice under this section may be served by post.

(6.) With respect to arbitrations under this Act the provisions in the First Schedule to this Act shall have effect.

(7.) No person shall be precluded by any agreement from doing, or be liable under any agreement to any penalty or forfeiture for doing, such acts as may be necessary in order to comply with the provisions of this section.

9.—(1.) If any person who is bound to observe any special rules established for any factory or workshop under this Act acts in

Penalty for contravention of

A.D. 1891.  
—  
special rules  
or require-  
ment,

contravention of, or fails to comply with, any such special rule, he shall be liable on summary conviction to a fine not exceeding two pounds; and the occupier of the factory or workshop shall also be liable on summary conviction to a fine not exceeding ten pounds, unless he proves that he had taken all reasonable means, by publishing, and to the best of his power enforcing, the rules to prevent the contravention or noncompliance.

(2.) A factory or workshop in which there is a contravention of any requirement made under this Act shall be deemed not to be kept in conformity with the principal Act.

Amendment  
of special  
rules,

10.—(1.) After special rules are established under this Act in any factory or workshop, the Secretary of State may from time to time propose to the occupier of the factory or workshop any amendment of the rules or any new rules; and the provisions of this Act with respect to the original rules shall apply to all such amendments and new rules in like manner, as nearly as may be, as they apply to the original rules.

(2.) The occupier of any factory or workshop in which special rules are established may from time to time propose in writing to the chief inspector, with the approval of the Secretary of State, any amendment of the rules or any new rules, and the provisions of this Act with respect to a suggestion of an occupier for modifying the special rules proposed by a chief inspector shall apply to all such amendments and new rules in like manner, as nearly as may be, as they apply to such a suggestion.

Publication  
of special  
rules,

11.—(1.) Printed copies of all special rules for the time being in force under this Act in any factory or workshop shall be kept posted up in legible characters in conspicuous places in the factory or workshop where they may be conveniently read by the persons employed. In a factory or workshop in Wales or Monmouthshire the rules shall be posted up in the Welsh language also.

(2.) A printed copy of all such rules shall be given by the occupier to any person affected thereby on his or her application.

(3.) If the occupier of any factory or workshop fails to comply with any provision of this section, he shall be liable on summary conviction to a fine not exceeding ten pounds.

(4.) Every person who pulls down, injures, or defaces any special rules when posted up in pursuance of this Act, or any notice posted up in pursuance of the special rules, shall be liable on summary conviction to a fine not exceeding five pounds.

12. An inspector shall, when required, certify a copy which is shown to his satisfaction to be a true copy of any special rules for the time being established under this Act for any factory or workshop, and a copy so certified shall be evidence (but not to the exclusion of other proof) of those special rules, and of the fact that they are duly established under this Act.

A.D. 1891.  
Certified  
copies of  
special rules  
to be evi-  
dence.

*Period of Employment.*

13.—(1.) For subsection (2) of section fifteen of the principal Act the following subsection shall be substituted, namely:—

Period of  
employment  
for women.

(2.) In a workshop which is conducted on the system of not employing therein either children or young persons, and the occupier of which has served on an inspector notice of his intention to conduct his workshop on that system—

(a.) The period of employment for a woman shall, except on Saturday, be a specified period of twelve hours taken between six o'clock in the morning and ten o'clock in the evening, and shall on Saturday be a specified period of eight hours, taken between six o'clock in the morning and four o'clock in the afternoon; and

(b.) There shall be allowed to a woman for meals and absence from work during the period of employment, a specified period not less, except on Saturday, than one hour and a half, and on Saturday than half an hour.

14.—(1.) The report required by section sixty-six of the principal Act respecting the employment of a child, young person, or woman in pursuance of an exception relating to employment overtime, must be sent to an inspector not later than eight o'clock in the evening on which the child, young person, or woman is employed in pursuance of the exception.

Notice as to  
overtime.

(2.) Where, under the said section sixty-six, the occupier of a factory or workshop is required to make an entry and report respecting the employment overtime of a child, young person, or woman in the factory or workshop, he shall cause a notice containing the prescribed particulars respecting the employment to be kept affixed in the factory or workshop during the prescribed time, and in default of so doing shall be liable, on summary conviction, to a fine not exceeding five pounds.

Period of  
employment  
on Saturday  
for young  
persons and  
women not  
employed  
more than  
eight hours.

15. For section eighteen of the principal Act the following section shall be substituted, namely,—

In a non-textile factory or workshop where a young person or woman has not been actually employed for more than eight hours on any day in a week, and notice of such non-employment has been

A.D. 1891. — affixed in the factory or workshop and served on the inspector, the period of employment on Saturday in that week for that young person or woman may be from six o'clock in the morning to four o'clock in the afternoon, with an interval of not less than two hours for meals.

### *Holidays.*

Amendment  
of 41 & 42  
Vict. c. 16.  
s. 22, as to  
holidays.

16. For subsection (1) of section twenty-two of the principal Act the following subsection shall be substituted, namely:—

(1.) Cessation from work shall not be deemed to be a half holiday or whole holiday, unless a notice of the half holiday or whole holiday has been affixed in the factory or workshop during the first week in January, and a copy thereof has on the same day been forwarded to the inspector of the district: Provided that any such notice may be changed by a subsequent notice affixed and sent in like manner not less than fourteen days before the holiday or half holiday to which it applies.

### *Conditions of Employment.*

Prohibition  
of employ-  
ment of  
women after  
child-birth.

17. An occupier of a factory or workshop shall not knowingly allow a woman to be employed therein within four weeks after she has given birth to a child.

Prohibition  
of employ-  
ment of  
children  
under eleven  
years of age.

18. On and after the first day of January one thousand eight hundred and ninety-three no child under the age of eleven years shall be employed in a factory or workshop.

Provided always, that any child lawfully employed under the principal Act, or any Act relating to the employment of children, at the time that the provisions of this section come into operation shall be exempt from its provisions.

Report of  
certifying  
surgeon.

19. Every certifying surgeon acting under this or the principal Act shall in each year make at the prescribed time a report in the prescribed form to the Secretary of State as to the persons inspected during the year, and the results of the inspection.

Certificate of  
birth in case  
of children  
and young  
persons  
under 16.

20. Where the age of any child or young person under the age of sixteen years is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the elementary education or employment in labour of such child or young person, any person shall, on presenting a written requisition, in such form, and containing such particulars as may be from time to time prescribed by the Local Government Board, and on payment



of a fee of sixpence, be entitled to obtain a certified copy under the hand of a registrar or superintendent registrar of the entry in the register, under the Births and Deaths Registration Acts, 1836 to 1874, of the birth of that child or young person; and such form of requisition shall on request be supplied without charge by every superintendent registrar and registrar of births, deaths, and marriages.

21. There shall be repealed so much of section sixty-one of the principal Act as enacts that the provisions therein mentioned shall not apply to a workshop which is conducted on the system of not employing children or young persons therein, and the occupier of which has served on an inspector notice of his intention to conduct his workshop on that system.

A.D. 1891.

Amendment  
of 41 & 42  
Vict. c. 16.  
s. 61, as to  
exemption of  
certain work-  
shops.

### *Miscellaneous.*

22.—(1.) In section thirty-one of the principal Act for the words “and is of such a nature as to prevent the person injured by it from returning to his work in the factory or workshop within forty-eight hours after the occurrence of the accident” shall be substituted the words “and is of such a nature as to prevent the person injured by it from returning to his work in the factory or workshop and doing five hours work on any day during the next three days after the occurrence of the accident.”

Amendment  
of 41 & 42  
Vict. c. 16.  
s. 31, as to  
notice of  
accidents.

(2.) The notice required under that section shall, where the person killed or injured is not removed to his own residence, state both his residence and the place to which he has been removed.

(3.) Where a death has occurred by accident in any factory or workshop, the coroner shall forthwith advise the district inspector under this Act of the time and place of the holding of the inquest, and at such inquest any relative of any person whose death may have been caused by the accident with respect to which the inquest is being held, and any inspector under the principal Act, and the occupier of the factory or workshop in which the accident occurred, and any person appointed by the order in writing of the majority of the workpeople employed in the said factory or workshop shall be at liberty to attend and examine any witness either in person or by his counsel, solicitor, or agent, subject nevertheless to the order of the coroner.

23. In the appointment of inspectors of factories in Wales and Monmouthshire, among candidates otherwise equally qualified, persons having a knowledge of the Welsh language shall be preferred.

Inspectors  
in Wales and  
Monmouth-  
shire.



A.D. 1891.

Particulars  
to be  
supplied in  
case of  
payment by  
piece.

24. Every person who is engaged as a weaver in the cotton, worsted, or woollen, or linen or jute trade, or as a winder, weaver, or reeler in the cotton trade, and is paid by the piece, in or in connexion with any factory or workshop, shall have supplied to him with his work sufficient particulars to enable him to ascertain the rate of wages at which he is entitled to be paid for the work, and the occupier of the factory or workshop shall supply him with such particulars accordingly.

If the occupier of any factory or workshop fails to supply such particulars then, unless he proves that he has given the best information in his power with respect to such particulars, he shall be liable for each offence to a fine not exceeding ten pounds, and in the case of a second or subsequent conviction for the same offence within two years from the last conviction for that offence not less than one pound.

Provided always, that in the event of anyone who is engaged as an operative in any factory or workshop receiving such particulars, and subsequently disclosing the same with a fraudulent object or for the purpose of gain, whether they be furnished directly to him or to a fellow workman, he shall be liable for each offence to a fine not exceeding ten pounds.

Provided also, that anyone who shall solicit or procure a person so engaged in any factory to disclose such particulars with the object or purpose aforesaid, or shall pay or reward such person, or shall cause such person to be paid or rewarded, for so disclosing such particulars, shall be guilty of an offence, and shall be liable for each offence to a fine not exceeding ten pounds.

Powers of  
entry.

25. The powers of entry conferred by section sixty-eight of the principal Act on an inspector under that Act may be exercised without the authority or warrant required in certain cases by section sixty-nine of that Act.

Notice of  
opening  
workshop.

26.—(1.) Section seventy-five of the principal Act (which requires notice to be given of the occupation of a factory) shall apply to a workshop (including any workshop conducted on the system of not employing any child, young person, or woman therein) in like manner as it applies to a factory.

(2.) Where an inspector receives notice in pursuance of this section with respect to a workshop, he shall forthwith forward the notice to the sanitary authority of the district in which the workshop is situate.

27.—(1.) The occupier of every factory and workshop (including any workshop conducted on the system of not employing any child, young person, or woman therein) and every contractor employed by any such occupier in the business of the factory or workshop shall, if so required by the Secretary of State by an Order made in accordance with section sixty-five of the principal Act, and subject to any exceptions mentioned in the Order, keep in the prescribed form and with the prescribed particulars lists showing the names of all persons directly employed by him, either as workman or as contractor, in the business of the factory or workshop, outside the factory or workshop, and the places where they are employed, and every such list shall be open to inspection by any inspector under the principal Act or by any officer of a sanitary authority.

A.D. 1891.  
Lists of  
out-workers.

(2.) In the event of a contravention of this section by the occupier of a factory or workshop, or by a contractor, the occupier or contractor shall be liable to a fine not exceeding forty shillings.

28. The fine imposed on a conviction under sections sixty-eight, eighty-one, eighty-two, or eighty-three of the principal Act, for any offence in relation to a factory, shall, in case of a second or subsequent conviction for the same offence within two years from the last conviction for that offence, be not less than one pound for each offence.

Minimum  
penalties  
in certain  
cases.

29. In summary proceedings for offences and fines under the principal Act as amended by any subsequent Act, an information may be laid within three months after the date at which the offence comes to the knowledge of a factory inspector, or in case of an inquest being held in relation to the offence, then within two months after the conclusion of the inquest, so, however, that it shall not be laid after the expiration of six months from the commission of the offence.

Limitation  
of time for  
summary  
proceedings.

30. Section ninety-two of the principal Act shall apply to a workshop in like manner as it applies to a factory.

Amendment  
of 41 & 42  
Vict. c. 16.  
s. 92.

31. In section ninety-three of the principal Act for the words "a place solely used as a dwelling shall not be deemed to form part of the factory or workshop for the purposes of this Act," shall be substituted the words "a room solely used for the purpose of sleeping therein shall not be deemed to form part of the factory or workshop for the purposes of this Act."

Amendment  
of 41 & 42  
Vict. c. 16.  
s. 93.

32. Nothing in the principal Act as amended by this Act shall apply to the process of cleaning and preparing fruit so far as is necessary to prevent the spoiling of the fruit on its arrival at a

Saving for  
persons  
employed in  
process of  
cleaning  
fruit.

A.D. 1891. factory or workshop during the months of June, July, August, and  
 --- September.

Application to Scotland. **33.** In the application of this Act to Scotland, the following modifications shall be made, namely,—

(1.) The expression “Births and Deaths Registration Acts, 1836 to 1874,” shall mean the Acts relating to the registration of births, deaths, and marriages in Scotland :

(2.) The expression “Public Health Act, 1875,” where it occurs in section seven of this Act shall mean the Public Health (Scotland) Act, 1867, and the Acts amending the same :

(3.) The Board of Supervision shall be substituted for the Local Government Board :

(4.) In lieu of Christmas Day, and either Good Friday or the next public holiday under the Holidays Extension Act, 1875, there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop within a burgh or police burgh, the two days in each year set apart by the Church of Scotland for the observance of the sacramental fast in the parish in which the factory or workshop is situate, and in such burghs or police burghs where such fast days have been abolished or discontinued there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop in such burghs or police burghs such two whole days in each year, separated by an interval of not less than three months, as shall be fixed by the magistrates or police commissioners in such burghs or police burghs, and such magistrates or police commissioners, as the case may be, are hereby required to fix, and from time to time, if it shall seem expedient to them to do so, to alter such holidays, and give public notice thereof fourteen days before the date at any time fixed.

(5.) Where a death has occurred by accident in any factory or workshop a public inquiry in open court shall be held by the sheriff, upon the petition of any party interested, and the sheriff shall forthwith advise the district inspector under this Act of the time and place of the holding of the inquiry, and at such inquiry any relative of any person whose death has been caused by the accident with respect to which the inquiry is being held, and the occupier or manager of the factory or workshop in which the accident occurred, and any person appointed by the order in writing of the majority of the workpeople employed in the said factory or workshop, shall

be at liberty to attend and examine any witness, either in person, or by his counsel, solicitor, or agent, subject nevertheless to the order of the sheriff. A.D. 1891. —

34. For subsection (2) of section one hundred and six of the principal Act, the following subsection shall be substituted:— Amendment of 41 Vict. c. 16. s. 106, as to holidays in Ireland.

(2.) In lieu of any two half-holidays allowed under the provisions of subsection (2) of section twenty-two of this Act, there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop the whole of the seventeenth day of March, when that day does not fall on a Sunday, or at the option of the occupier of the factory or workshop, either Good Friday (unless that day is otherwise fixed as a holiday) or Easter Tuesday.

35. The fee to be charged in pursuance of section one hundred and four of the principal Act shall not exceed sixpence, and that section shall apply in the case of a young person under the age of sixteen years in like manner as it applies in the case of a child. Amendment of 41 & 42 Vict. c. 16. s. 104.

36. The expression "retail bakehouse" in the Factory and Workshops Act, 1883, shall not include any place which is a factory within the meaning of the principal Act. Amendment of 46 & 47 Vict. c. 53. s. 18.

37.—(1.) For the purposes of the principal Act and this Act the expression "machinery" shall include any driving strap or band, and the expression "process" shall include the use of any locomotive. Definitions of "machinery" and "domestic workshop."

(2.) In this Act the expression "domestic workshop" means a workshop to which section sixteen of the principal Act applies.

38. There shall be added in line three, subsection (3), of the Fourth Schedule of the principal Act, after "earthenware," the words "or china." Amendment of 41 & 42 Vict. c. 16. Sch. IV.

39. The enactments specified in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule. Repeal.

Provided that any special rules or requirements made under any enactment repealed by this Act shall continue to have effect as if made under this Act, and the provisions of this Act shall apply thereto accordingly.

40. This Act shall, except where it is otherwise expressed, come into operation on the first day of January one thousand eight hundred and ninety-two. Commencement of Act.

A.D. 1891.

Short title  
and con-  
struction.

41 & 42 Vict.

c. 16.

46 & 47 Vict.

c. 53.

52 & 53 Vict.

c. 62.

41.—(1.) This Act may be cited as the Factory and Workshop Act, 1891, and shall be construed as one with the Factory and Workshop Act, 1878.

(2.) The Factory and Workshop Act, 1878, the Factory and Workshop Act, 1883, and the Cotton Cloth Factories Act, 1889, may, together with this Act, be cited collectively as the Factory and Workshops Acts, 1878 to 1891.



## SCHEDULES.

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A.D. 1891.

### FIRST SCHEDULE.

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Sections 7, 8.

1. The parties to the arbitration are in this schedule deemed to be the occupiers of the factory or workshop on the one hand and the chief inspector, on behalf of the Secretary of State, on the other.

2. Each of the parties to the arbitration may, within fourteen days after the date of the reference, appoint an arbitrator.

3. No person shall act as arbitrator or umpire under this Act who is employed in, or in the management of, or is interested in, the factory or workshop to which the arbitration relates.

4. The appointment of an arbitrator under this section shall be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and shall not be revoked without the consent of that party.

5. The death or removal of, or other change in, any of the parties to the arbitration shall not affect the proceedings under this schedule.

6. If within the said fourteen days either of the parties fails to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

7. If before an award has been made any arbitrator appointed by either party dies or becomes incapable to act, or for seven days refuses or neglects to act, the party by whom that arbitrator was appointed may appoint some other person to act in his place; and if he fails to do so within seven days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

8. In either of the foregoing cases where an arbitrator is empowered to act singly, on one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator, who shall then act as if no failure had occurred.

9. If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as may have been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as herein-after mentioned.

A.D. 1891.

10. The arbitrators, before they enter on the matter referred to them, shall appoint by writing under their hands an umpire to decide on points on which they may differ.

11. If the umpire dies or becomes incapable of acting before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place.

12. If the arbitrators refuse or fail, or for seven days after the request of either part neglect, to appoint an umpire, then on the application of either party an umpire may be appointed by the chairman of the quarter sessions within the jurisdiction of which the factory or workshop is situate.

13. The decision of every umpire on the matters referred to him shall be final.

14. If a single arbitrator fails to make his award within twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place.

15. Arrangements shall, whenever practicable, be made for the matters in difference being heard at the same time before the arbitrators and the umpire.

16. The arbitrators and the umpire, or any of them, may examine the parties and their witnesses on oath, and may also consult any counsel, engineer, or scientific person whom they may think it expedient to consult.

17. The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Secretary of State and together with the costs of the arbitration and award shall be paid by the parties, or one of them, according as the award may direct. Such costs may be taxed by a master of the Supreme Court, or, in Scotland, by the auditor of the Court of Session, and the taxing officer shall, on the written application of either of the parties, ascertain and certify the proper amount thereof. The amount, if any, payable by the Secretary of State shall be paid as part of the expenses of inspectors under the principal Act. The amount, if any, payable by the occupier of the factory or workshop may in the event of nonpayment be recovered in the same manner as fines under the principal Act.

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## SECOND SCHEDULE.

A.D. 1891.

## ENACTMENTS REPEALED.

Section 39.

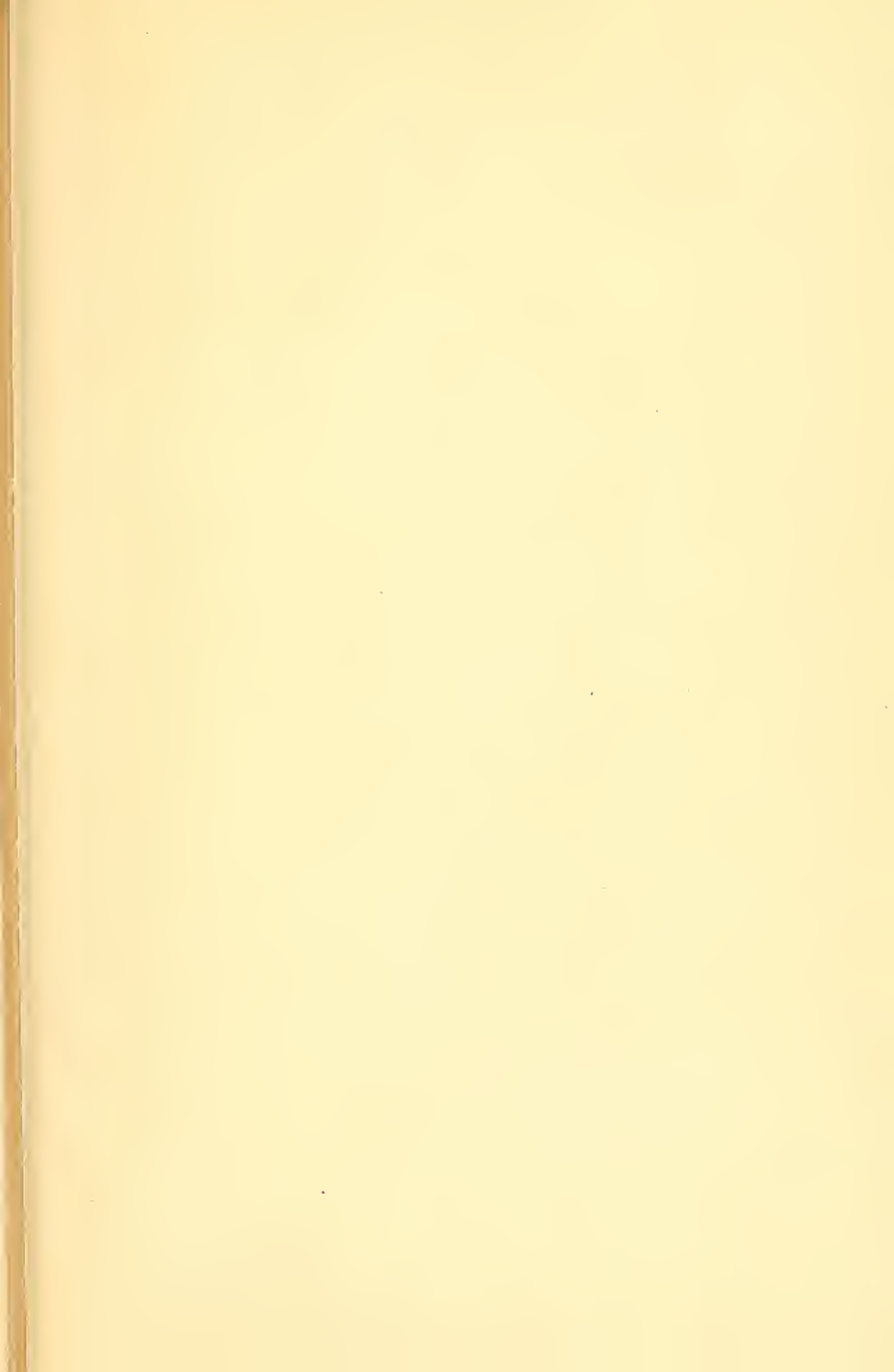
Session and Chapter.	Title or Short Title.	Extent of Repeal.
41 & 42 Vict. c. 16. -	The Factory and Workshop Act, 1878.	<p>In section three, the words "and a workshop" and "or workshop" wherever they occur.</p> <p>In section five, subsection (1), the words "near to which any person is liable to pass or to be employed."</p> <p>Sections six, seven, and eight.</p> <p>Section fifteen, from "and" at the end of subsection (1) to the end of the section.</p> <p>In section twenty-two, subsection (4).</p> <p>In section thirty-one the words "and is of such a nature as to prevent the person injured by it from returning to his work in the factory or workshop within forty-eight hours after the occurrence of the accident."</p> <p>In section thirty-three the words "and workshop," "or workshop," and "or workshops," wherever they respectively occur.</p> <p>Section sixty-one, from "or" at the end of the paragraph marked (a) to the words "workshop on that system."</p> <p>Section sixty-nine.</p> <p>Section ninety-one, from "(1.) The information shall be laid" to "commission of the offence."</p> <p>In section one hundred and one, the words "or workshop."</p>
46 & 47 Vict. c. 53. -	The Factory and Workshop Act, 1883.	Sections seven to twelve and subsections (2) and (3) of section seventeen.
51 & 52 Vict. c. 22. -	The Factory and Workshop Amendment (Scotland) Act, 1888.	The whole Act.
52 & 53 Vict. c. 62. -	The Cotton Cloth Factories Act, 1889.	Section twelve.

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